

# PLANNING COMMISSION REPORT



MEETING DATE: January 26, 2005      ITEM No. \_\_\_\_ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT      **The Legends at Toscana – 16-ZN-2004**

REQUEST      Request to rezone from Single Family Residential District (R1-35) to Single Family Residential District Planned Residential District (R1-10 PRD) with amended development standards on a 10 +/- acre parcel located at 12855 N 94th Street (Southeast corner of Sweetwater Avenue and 94th Street).

**Key Items for Consideration:**

- *The applicant has reduced the proposed density from 31 lots to 26 lots since the Planning Commission last heard this case.*
- This request increases the number of homes currently allowed on the property from 9 to 26.
- Both the existing and proposed zoning districts are consistent with the General Plan and Cactus Corridor Area Study.
- The proposal replaces equestrian-oriented property with a single-family subdivision.
- Impacts to traffic and other services are negligible.
- Approval of the zoning change would terminate the existing ranch use permit.
- There is both support and opposition to this request. Surrounding neighborhoods generally support the request, however there are concerns about erosion of the area's equestrian character.

**Related Policies, References:**

Cactus Corridor Area Study

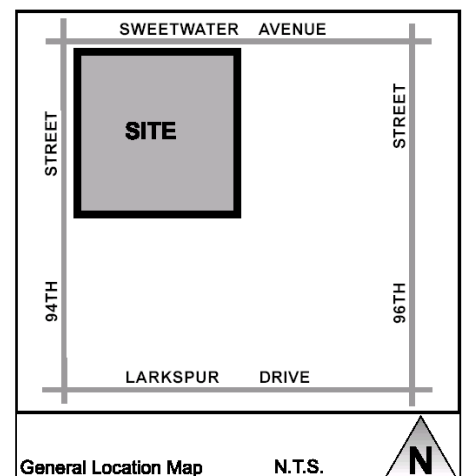
OWNER      Collin Thorstenson  
602-298-6547

APPLICANT CONTACT      Larry Brandon  
Lifestyles Custom Builders LLC  
602-218-6732

BACKGROUND

**General Plan.**

The General Plan Land Use Element designates the property as Suburban Neighborhoods. This category includes medium-lot to small-lot single-family subdivisions with densities between 1 house per acre and 8 houses per acre. The existing zoning allows densities consistent with the General Plan, and the



proposed rezoning would also be consistent with the General Plan.

**Cactus Corridor Area Study.**

The 1992 Cactus Corridor Area Study focuses on the area generally bounded by Sweetwater Avenue to the north, Frank Lloyd Wright Boulevard to the east, Shea Boulevard to the south, and Pima Road to the west. The Study recommends a suburban character west of 96<sup>th</sup> Street and a rural character east of 96<sup>th</sup> Street. Specifically, the subject property is in a designated “Suburban” area. Both the existing and proposed zoning are consistent with the Cactus Corridor Area Study. (See attached study and graphic depicting the site and its location within the study area; Attachment #13)

Since 1991, there have been several rezoning cases of R1-35 properties to R1-35 PRD, R1-18 PRD, and R1-10 in the Cactus Corridor area. These are shown on Attachment #13A.

**Zoning.**

The site is currently zoned Single Family Residential District (R1-35). The R1-35 zoning district allows for 35,000-square-foot, or larger, residential lot sizes. The residential zoning districts also allow religious facilities and public schools as by-right uses. Ranches and private schools require use permits.

**Previous Actions.**

- December 2004: The applicant requested that City Council continue the rezoning hearing for 31 lots to allow time to reduce the density and submit a revised request to the Planning Commission.
- September 2004: The Planning Commission voted to deny the request to rezone this property to R1-7 PRD District for 31 lots. (See PC Minutes Attachment 12)
- March 2003: The City Council denied a proposal to rezone this property to the R1-7 PRD District for 30 lots (Case 21-ZN-2002; See CC Minutes Attachment 11). Prior to that, the Planning Commission recommended approval (See PC Minutes Attachment 10).

**Context.**

The property is located at the southeast corner of 94<sup>th</sup> Street and Sweetwater Avenue, and is surrounded by single-family home developments having an approximate density of 4 homes per acre. This property is relatively flat and is currently used as a ranch that boards and trains horses and buffaloes. A drainage wash is located to the east of the property.

The surrounding property is zoned as follows:

- Single Family Residential/Planned Community Development District (R1-7/PCD) to the south and east.
- Single Family Residential/Planned Residential Development District (R1-7/PRD) to the west.
- Townhouse Residential/Planned Community Development District (R-4/PCD) to the north.

There do also exist equestrian properties within ¼ mile of this site. The

adjacent single-family homes combined with nearby equestrian properties give this area a unique neighborhood character that combines the rural and the suburban lifestyles.

## APPLICANT'S PROPOSAL

### **Goal/Purpose of Request.**

This is a request to rezone the property from the R1-35 District to the R1-10/PRD District to develop the site with a maximum of 26 single-family residential lots. One private drive is proposed from Sweetwater Avenue at the north side of the property.

The applicant is proposing the Planned Residential Development (PRD) district in order to amend the development standards to accommodate the proposed housing product and specific neighborhood character. The proposed amended standards include a reduction of the lot widths and setbacks. The PRD proposal also includes a minimum 15-foot-wide landscaped/open space tracks along 94<sup>th</sup> Street and Sweetwater Avenue (Tract A), within a retention basin / recreation area near the southwest corner of the property (Tract B), interior to the subdivision (Tracts C and D), and within a drainage easement at the wash located at the northeast corner of the property (Tract E).

### **Development information.**

- *Existing Use:* Ranch
- *Proposed Use:* A maximum of 26 single-family homes
- *Average Lot Size:* 10,000 sq.ft.
- *Parcel Size:* 10 acres (gross)
- *Proposed Density:* 2.6 homes/acre (gross)
- *Building Height Allowed:* 30 feet
- *Street Access:* Private street from Sweetwater Ave.
- *Open Space Proposed:* 56,000 +/- sq.ft. in 5 tracts (1.28 acres)

## IMPACT ANALYSIS

### **Density.**

Both the existing R1-35 zoning district and the proposed R1-10/PRD are consistent with the General Plan's Suburban Neighborhoods designation and the Cactus Corridor Area Study. The adjacent single-family homes combined with nearby equestrian properties give this area a unique neighborhood character that combines the rural and the suburban lifestyles. A goal of the General Plan's Neighborhoods Element is to preserve and enhance the unique sense of neighborhood found in diverse areas. Since 1991, there have been several rezoning cases of R1-35 properties to R1-35 PRD, R1-18 PRD, and R1-10 in the Cactus Corridor area, which support larger lots and the preservation of the existing character mix in this established neighborhood.

For years this property has had an open rural character, and there are concerns that too many homes allowed on the site may not support the preservation of the existing character mix in this established neighborhood. A plan with relatively large lots and open space would be compatible with the existing

rural/suburban character mix of the area. The applicant is proposing lot sizes ranging between 8,400 sq.ft. and 13,300 sq.ft., with 56,000 sq.ft. of open space. The surrounding lots range in size from 5,000 sq.ft. to 10,000 sq.ft.

**Amended Development Standards.**

The request to amend the development standards will accommodate the proposed housing product. The proposed amended standards include a reduction of the lot widths and setbacks, and will not increase the density allowed on the property. The result of modified lot widths and setbacks allow opportunities for a minimum 15-foot-wide landscape buffer along 94<sup>th</sup> Street and Sweetwater Avenue and other open space opportunities. The applicant has also agreed to limit homes on Lots 12 and 13 to one story, and the PRD limits buildings to one story within fifty (50) feet of an abutting lot having a one-story residence.

**Traffic.**

One private drive is proposed from Sweetwater Avenue at the north side of the property. The R1-10 zoning will result in 161+/- more trips per day than developing the property under the existing R1-35 zoning. This increase in trips is not enough to affect the Level of Service (LOS) at the signalized intersection of 94<sup>th</sup> Street and Sweetwater Avenue, the stop controlled intersection of 96<sup>th</sup> Street and Sweetwater Avenue, or the site driveway on Sweetwater Avenue. Since 94<sup>th</sup> Street and Sweetwater Avenue are operating at traffic volumes well below capacity, the levels of service for the intersections in the horizon year 2005, including the proposed site traffic, are LOS A and B. A trail easement will be provided along Sweetwater Avenue.

**Zoning/Trip Comparison Table.**

<b>Zoning</b>	<b>Max # of Lots</b>	<b>Density</b>	<b>Trips</b>
Existing R1-35	9	1 home/acre	86
Proposed R1-7 PRD	26	2.6 homes/acre	249

**Drainage.**

There is an existing wash located at the northeast corner of the property that will be maintained. This area has had flooding problems in the past, so the City will be constructing regional drainage improvements in various parts of this wash at and beyond this property.

**Water/Sewer.**

The development will connect to existing water and sewer lines, so there are no anticipated water or sewer service impacts.

**Police/Fire.**

The property is located in Police District 2, which is served by 90<sup>th</sup> Street/Via Linda station. The nearest Fire Station is located at 90<sup>th</sup> Street/Via Linda, providing an anticipated fire response time of less than 5 minutes. Police and fire currently serve this area, so there are no anticipated police or fire service impacts.

**Schools District comments/review.**

Scottsdale Unified School District has been notified of this application and is

aware of the impacts that this development will have on school capacity. The change of zoning increases density and the anticipated number of students. There are no projected capacity issues at Aztec Elementary School and Desert Canyon Middle School. However, there are projected capacity issues at Desert Mountain High School (10-year projection), and it is anticipated that this development will add approximately 9 high school students. (See attached School correspondence; Attachment #9).

**Open space.**

The proposed development provides a minimum 15-foot landscaped buffer along the streets, and open space within the subdivision and at the drainage wash along the northeast side of the property.

**Community Impact/Policy Implications.**

The proposed rezoning replaces the existing ranch with a single-family subdivision, which will change the character of the Sweetwater Avenue/94<sup>th</sup> Street intersection. It also increases the allowable density from approximately 9 homes (1 home per acre) to a maximum of 26 homes (2.6 homes per acre). The plan shows lots larger than the abutting lots, and open space visible along the streets to be compatible with the existing rural/suburban character mix of the area. Impacts to traffic and other services are negligible.

**Community Involvement.**

Over the last two years, the applicant held multiple neighborhood meetings and has provided on-going updates with the neighborhood. The surrounding neighborhoods generally support replacing the ranch with single-family homes. The applicant has also agreed to limit homes on Lots 12 and 13 to one story, in response to neighborhood concerns. Letters in support of the request were received from surrounding neighbors/homeowners' associations. Letters in opposition to the request were also received, raising concerns regarding the potential loss of the equestrian-oriented property and the overall change of equestrian character in the area. Staff has also received a phone call from a property owner to the north concerned that new traffic from this development would traverse through the existing neighborhood on 94<sup>th</sup> Place.

OTHER BOARDS AND  
COMMISSIONS

**City Council.**

In December 2004, the applicant requested that City Council continue the rezoning hearing for 31 lots to allow time to reduce the density and submit a revised request to the Planning Commission.

**Planning Commission.**

The Planning Commission heard this case on September 29, 2004. After much discussion on the proposed density, the surrounding densities, and the area's existing rural/suburban character mix, the Planning Commission voted to deny this request by a vote of 3-3. Opposition to the rezoning cited concerns of the erosion of the equestrian lifestyle and the proposed tripling of the density. Supporters of the rezoning agreed that the proposal matches surrounding densities and is appropriate for the site. Citizens spoke both in favor and opposition of the rezoning application. (see Attachment #12)

**RECOMMENDATION**


Staff recommends approval of the rezoning and amended development standards, subject to the attached stipulations.

**RESPONSIBLE  
DEPT(S)**


**Planning and Development Services Department**  
Current Planning Services

**STAFF CONTACT(S)**

Tim Curtis  
Project Coordination Manager  
480-312-4210  
E-mail: tcurtis@ScottsdaleAZ.gov

**APPROVED BY**

Tim Curtis  
Report Author



Kurt Jones, AICP  
Director, Current Planning

**ATTACHMENTS**

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Additional Information
7. Amended Development Standards
8. Traffic Impact Summary
9. Citizen Involvement
10. School District Correspondence
11. January 22, 2003 Planning Commission Minutes
12. March 18, 2003 City Council Minutes
13. September 29, 2004 Planning Commission Minutes
14. Cactus Corridor Area Study
15. Area Zoning Map
16. Conceptual Site Plan

# ***D R A F T***

## **AMENDED PROJECT NARRATIVE**

### ***THE LEGENDS AT TOSCANA 16-ZN-2004***

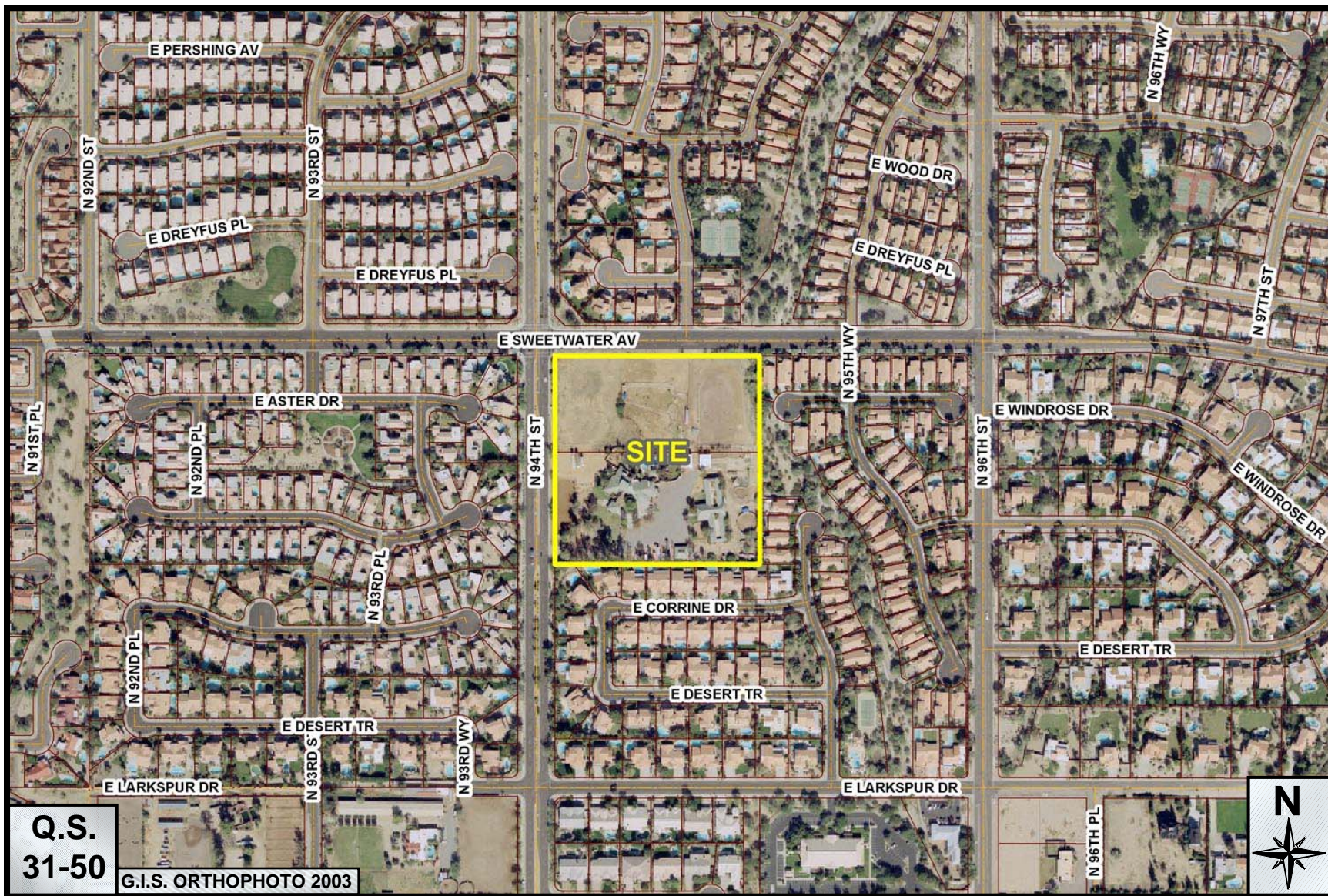
This application was continued from its hearing date of December 6, 2004 for the purpose of amending the application to reflect an R1-10 PRD zoning district and amended development standards, showing a total density of 26 units. The site plan concept will remain essentially the same with fewer lots. The development standards will be amended to reflect average lot sizes of 10,000 square feet. The ingress, egress and traffic circulation will remain the same, but will service fewer homes. That will reduce the traffic impact to an even lower level than it is now.

Substantial public benefit is realized because this is a very low density housing development within a higher density area and replaces a rural or ranch use which no longer fits in the neighborhood and has been the source of numerous neighborhood complaints.

The property is located on the southwest corner of 94th Street and Sweetwater. It is currently being used as a training facility for buffalo and wolves. The site consists of a house, barn and several assorted shed rows and corrals. The current zoning for this site is R1-35. The proposal is to rezone this parcel to R1-10 PRD. The rezoning of this property will result in substantial public benefit. The project will reserve 24,575 square feet of the northeast corner of the property for a storm water retention basin and open space. The site will be a private gated community consisting of 26 single family lots. The site will have an extended landscape buffer featuring a meandering trail. The site will have a small park along with a water feature for the use of its residents. The four base floor plans are unique. All have garages set back from the front of the house. All plans incorporate multiple outside use areas, such as front, side and rear courtyards. The one-story plans have the master bedroom

extended to the rear allowing a much greater depth of actual usable rear yard. The unique designs allow the streetscape to vary and alleviate a straight line look. Driveways will be a minimum of twenty (20) feet. Minimum lot width will be sixty-five (65) feet. The design will be in complete compliance with the R1-10 PRD zoning requirements. Buyers will be offered all available choices for the exterior of their home, such as roof tile style, stucco style, stone veneer selections and colors. The intent is to create an environment of individuality, where all the homes have a different character while being complementary to each other. This will be accomplished by a strong architectural control committee consisting of the developer, architect, engineer and landscape architect. This proposed community will greatly enhance the general area and increase surrounding property values.





The Legends at Toscana

16-ZN-2004

ATTACHMENT #2



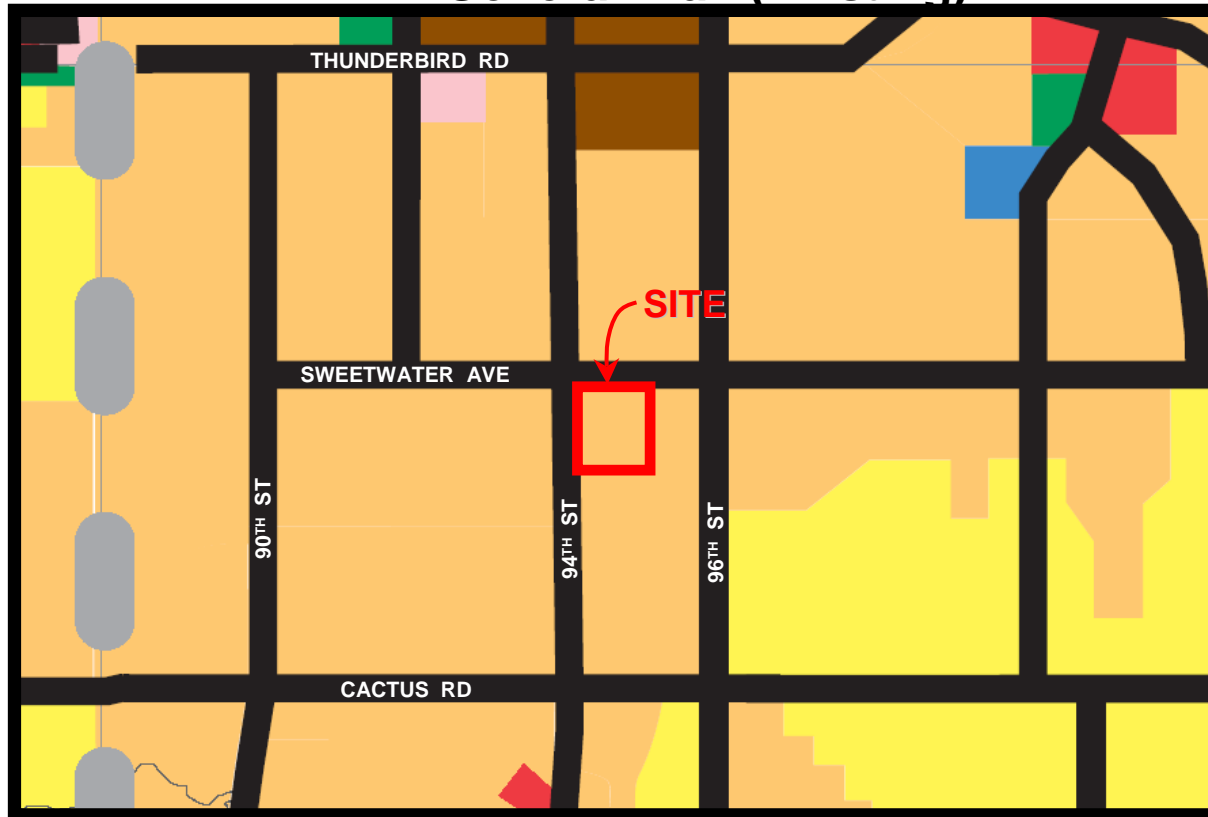


The Legends at Toscana

**16-ZN-2004**

ATTACHMENT #2A

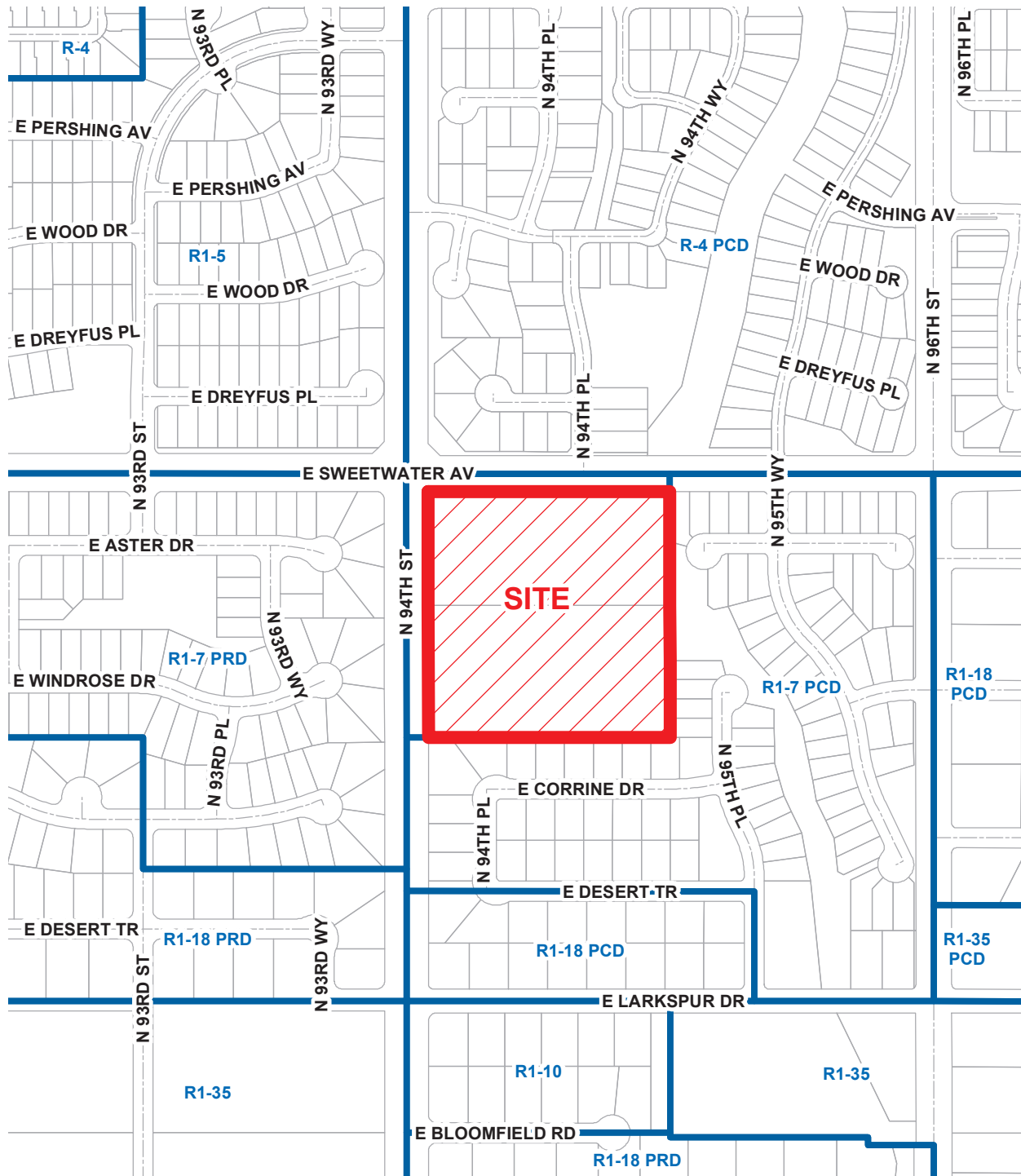
# General Plan (Existing)



**16-ZN-2004**  
ATTACHMENT #3

Adopted by City Council October 30, 2001  
Ratified by Scottsdale voters March 12, 2002  
revised to show McDowell Sonoran Preserve as of August 2003  
Revised to reflect Case 4-GP-2002, adopted by City Council October 29, 2002

Rezone from Single Family Residential District (R1-35) to Single Family Residential District, Planned Residential District (R1-10 PRD) with amended development standards



# 16-ZN-2004

ATTACHMENT #4



## **STIPULATIONS FOR CASE 16-ZN-2004**

### **PLANNING/ DEVELOPMENT**

1. **CONFORMANCE TO CONCEPTUAL SITE PLAN.** Development shall conform with the conceptual site plan submitted by Allen Consulting Engineers, Inc. and dated 1/12/2005. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. **MAXIMUM DWELLING UNITS.** The number of dwelling units on the site shall not exceed twenty six (26) without subsequent public hearings before the Planning Commission and City Council.
3. **CONFORMANCE TO AMENDED DEVELOPMENT STANDARDS.** Development shall conform with the amended development standards shown in Attachment 7. Any change to the development standards shall be subject to subsequent public hearings before the Planning Commission and City Council.
4. **BUILDING HEIGHT LIMITATIONS.** No building on the site shall exceed 30 feet in height, measured as defined in the Scottsdale Zoning Ordinance. Buildings on Lots 12 and 13 of the site plan shall be restricted to a maximum of one (1) story, and shall have no outside stairs or rooftop decks, roof top patios, or balconies.
5. **OPEN SPACE:** With the Preliminary Plat submittal, the developer shall provide a minimum of 56,000 square feet of landscaped open space as follows:
  - a) Along 94<sup>th</sup> Street and Sweetwater Avenue as shown as Tract A on the site plan:
    - 1) A minimum fifteen (15) feet along 94<sup>th</sup> Street and Sweetwater Avenue, excepting the subdivision access location, as shown as Tract A on the site plan.
    - 2) A triangular shaped area at the northwest corner of the site having a minimum one hundred twenty (120) foot long leg dimensions measured along 94<sup>th</sup> Street and Sweetwater Avenue (commencing at the corner of 94<sup>th</sup> Street and Sweetwater Avenue).
  - b) Within the stormwater retention basin / recreation area required as necessary for this development, as shown as Tract B on the site plan.
  - c) Within the subdivision, as shown as Tracts C and D on the site plan.
  - d) Within the drainage easement over the existing wash at the northeast corner of the site, as shown as Tract E on the site plan.
6. **EQUESTRIAN TRAIL EASEMENT:** With the Development Review Board submittal, the developer shall provide a minimum fifteen (15) feet wide trail easement along the portion of the site adjacent to Sweetwater Avenue.
7. **WALLS.** With the Development Review Board submittal, the developer shall demonstrate that walls provided along 94<sup>th</sup> Street and Sweetwater Avenue will meander, and that open space in Tracts A, B, and E will be visible from these streets.

### **ENVIRONMENTAL DESIGN**

1. **DRAINAGE EASEMENT.** Prior to development, the property owner shall dedicate a drainage easement over the wash at the northeast corner of the site to protect the limits of inundation during a 100-year stormwater event. The property owner shall be responsible for the maintenance of the drainage easement.
2. **ALTERATIONS TO NATURAL WATERCOURSES.** Any proposed alteration to the natural state of watercourses with a 100 year peak flow rate estimated between 250 cfs and 749 cfs shall be

subject to Development Review Board approval.

3. **MAINTENANCE AND PRESERVATION-RECORDED AGREEMENT.** Before any building permit for the site is issued, the developer shall record an agreement, satisfactory to city staff, detailing the maintenance and preservation by the developer and its successors of all common areas, landscape buffers, natural areas, drainage easements and private access ways on the site and abutting rights-of-way. These designated areas shall not be accepted for maintenance or be accepted for ownership by the city without the approval of the City Council.

#### CIRCULATION

1. **STREET CONSTRUCTION.** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the following right-of-way and construct the following street improvements, in conformance with the Design Standards and Policies Manual:

Street Name/Type	Dedications	Improvements	Notes
94 <sup>TH</sup> STREET	EXISTING 55 FT. R.O.W.	EXISTING	
SWEETWATER AVENUE	EXISTING 45 FT. R.O.W.	EXISTING, 5 FT. SIDEWALK REQUIRED	5 FT SIDEWALK ALONG THE ENTIRE FRONTAGE SEE NOTE "B" BELOW
LOCAL ON-SITE STREETS (PRIVATE)	40 FT	28 FT. B/C-B/C, ROLL CURBS, 5 FT. SIDEWALK ON BOTH SIDES OF STREETS	SEE NOTE "A" BELOW

- A. The streets for this site shall be designed and constructed to the *LOCAL RESIDENTIAL* requirements of the City of Scottsdale D.S.&P.M. Five foot wide sidewalks are required on both sides of the local residential streets for lots less than 20,000 square feet in area. The 40' dedication is for access, emergency and service vehicle and water and sewer easement.
  - B. The developer shall provide a five-foot sidewalk along Sweetwater Avenue or an approved alternate pedestrian route, as determined by city staff.
  - C. The developer shall provide any improvements supported by the approved traffic impact study for the site, as determined by the city staff.
2. **ACCESS RESTRICTIONS.** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the necessary right-of-way, as determined by city staff, and construct the following access to the site. Access to the site shall conform to the following restrictions (distances measured to the driveway or street centerlines):
    - a. 94<sup>th</sup> Street and Sweetwater Avenue - The developer shall dedicate a one-foot wide vehicular non-access easement on these streets except any approved street entrance.
    - b. There shall be a maximum of one site driveway from either Sweetwater Avenue or 94<sup>th</sup> Street, with a minimum of 350 feet between the driveway and the intersection of Sweetwater Avenue and 94<sup>th</sup> Street. Access from Sweetwater Avenue shall align with 94<sup>th</sup> Place to the north.
    - c. At the Development Review Board submittal, the developer shall submit a site plan showing the exact location of the site's access from the existing street.
  3. **PEDESTRIAN CIRCULATION PLAN.** With the Development Review Board submittal, the

developer shall submit a Pedestrian Circulation Plan for the site, which shall be subject to city staff approval. This plan shall indicate the location and width of all sidewalks and pedestrian pathways.

4. **PRIVATE STREET CONSTRUCTION.** All private streets shall be constructed to full public street standards, except equivalent construction materials or wider cross-sections may be approved by city staff. In addition, all private streets shall conform to the following requirements:
  - a. No internal private streets shall be incorporated into the city's public street system at a future date unless they are constructed, inspected, maintained and approved in conformance with the city's public street standards. Before any lot is sold, the developer shall record a notice satisfactory to city staff indicating that the private streets shall not be maintained by the city.
  - b. Before issuance of any certificate of occupancy for the site, the developer shall post access points to private streets to identify that vehicles are entering a private street system.
  - c. Secured access shall be provided on private streets only. The developer shall locate security gates a minimum of 75 feet from the back of curb to the intersecting street. The developer shall provide a vehicular turn-around between the public street and the security gate.

## **ADDITIONAL INFORMATION FOR CASE 16-ZN-2004**

### PLANNING/DEVELOPMENT

1. **DENSITY CONTINGENCIES.** The approved density for each parcel may be decreased due to drainage issues and other site planning concerns which will need to be resolved at the time of preliminary plat or site plan approval. Appropriate design solutions to these constraints may preclude achievement of the proposed units or density on any or all parcels.
2. **FINAL LOT & TRACT LOCATION.** The specific location of each lot & tract shall be subject to Development Review Board approval.
3. **DEVELOPMENT REVIEW BOARD.** The City Council directs the Development Review Board's attention to:
  - a. a plan indicating the treatment of washes,
  - b. wall and gate design,
  - c. improvement plans for common open space, common buildings and/or walls, and amenities such as ramadas, landscape buffers on public and/or private property (back-of-curb to right-of-way or access easement line included).
  - d. major stormwater management systems,
  - e. alterations to natural watercourses (all watercourses with a 100 year flow of 250 cfs to 749 cfs),
  - f. perimeter landscaping.
4. **NOTICE TO PROSPECTIVE BUYERS.** The developer shall give the following information in writing to all prospective buyers of lots on the site:
  - a. The closest distance from the lot to the midpoint of the Scottsdale Airport runway.
  - b. The development's private streets shall not be maintained by the city.
  - c. The city shall not accept any common areas on the site for ownership or maintenance.
5. **NATIVE PLANT PRESERVATION.** The owner shall secure a native plant permit as defined in the Scottsdale Revised Code for each parcel. City staff will work with the owner to designate the extent of the survey required within large areas of proposed undisturbed open space. Where excess plant material is anticipated, those plants shall be offered to the public at no cost to the owner in accordance with state law and permit procedure or may be offered for sale.

### ENGINEERING

1. **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE.** The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
2. **FEES.** The construction of water and sewer facilities necessary to serve the site shall not be in-lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.



3. STREET CONSTRUCTION STANDARDS. The streets for the site shall be designed and constructed to the standards in the Design Standards and Policies Manual.
4. CITY CONTROL OF ACCESS. The city retains the right to modify or void access within city right-of-way. The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above.

EQUESTRIAN:

1. Public use trail(s) location shall be approved by plan review and permit services staff and are to be shown on the final plat or site plan.
2. Trails and paths shall be consistent with the Design Standards and Policies Manual for the City of Scottsdale.

WATER

1. BASIS OF DESIGN REPORT (WATER). Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall conform to the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:
  - a. Identify the location, size, condition and availability of existing water lines and water related facilities such as water valves, water services, fire hydrants, back-flow prevention structures, etc.
  - b. Identify the timing of and parties responsible for construction of all water facilities.
  - c. Include a complete description of requirements relating to project phasing.

WASTEWATER

1. BASIS OF DESIGN REPORT (SANITARY SEWER). ). Before the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a basis of design report and plan subject to Water Resources Department approval. The basis of design report shall be in conformance with the Design Standards and Policies Manual. In addition, the basis of design report and plan shall:
  - a. Identify the location of, the size, condition and availability of existing sanitary sewer lines and wastewater related facilities.
  - b. Identify the timing of and parties responsible for construction of all sanitary sewer facilities.
  - c. Include a complete description of requirements relating to project phasing.

OTHER REQUIREMENTS

1. CONVEYANCE OF TRACTS/LOTS. Unless otherwise agreed to in writing by the Asset Management Coordinator, each tract or lot dedicated to the city shall be:
  - a. conveyed by a general warranty deed, and
  - a. accompanied by a title policy in favor of the city, both to the satisfaction of city staff as designated by the Asset Management Coordinator.

## **16-ZN-2004 Amended Development Standards**

(Revised language shown in **BOLD CAPS** and ~~striketrough~~)

### **Sec. 5.400. (R1-10) SINGLE-FAMILY RESIDENTIAL DISTRICT.**

#### **Sec. 5.401. Purpose.**

This district is intended to promote and preserve residential development. Lot size permits a higher density of population. Land use is composed chiefly of individual homes, together with required recreational, religious and educational facilities as the basic elements of a balanced neighborhood.

#### **Sec. 5.402. Use regulations.**

A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Any use permitted in the (R1-43) single-family residential district. (section 5.102A).

B. Permitted uses by conditional use permit in the (R1-43) single-family residential district. (section 5.102B).  
(Ord. No. 3048, § 2, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98)

#### **Sec. 5.403. Approvals required.**

Prior to development of any municipal use, or any use requiring a conditional use permit, Development Review Board approval shall be obtained as outlined in article I, section 1.900 hereof.  
(Ord. No. 3225, § 1, 5-4-99)

#### **Sec. 5.404. Property development standards.**

The following property development standards shall apply to all land and buildings in the R1-10 district:

A. *Lot area.*

1. Each lot shall have a minimum area of not less than ~~ten thousand (10,000)~~ **EIGHT THOUSAND FOUR HUNDRED (8,400)** square feet. **THE AVERAGE LOT SIZE OF ALL LOTS WITHIN THIS SUBDIVISION SHALL BE A MINIMUM TEN THOUSAND (10,000) SQUARE FEET.**
2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section.

B. *Lot dimension.*

1. Width. All lots shall have a minimum width of ~~eighty (80)~~ **SIXTY FIVE (65)** feet.  
**FLAG LOTS HAVING A MINIMUM WIDTH OF TWENTY (20) FEET WILL BE PERMITTED ON CURVES IN THE LOCAL STREET.**

C. *Density.* There shall not be more than one (1) single-family unit on any one (1) lot.

D. *Building Height.* No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII.

E. *Yards.*

1. Front Yard.

- a. There shall be a front yard having a depth of not less than ~~thirty (30) feet.~~  
**TWENTY (20) FEET. THERE SHALL BE AN AGGREGATE FRONT AND REAR YARD WIDTH OF THIRTY FIVE (35) FEET.**
- b. Where lots have a double frontage on two (2) streets, the required front yard of thirty (30) feet shall be provided on both streets.
- c. Where a lot is located at the intersection of two (2) or more streets, there shall be a yard conforming to the front yard requirements on the street with the narrowest frontage and a yard of not less than fifteen (15) feet on the intersecting street.  
*Exception:* On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.

2. Side Yard. There shall be a side yard on each side of a building having an aggregate width of not less than ~~seven (7)~~ **FIVE (5)** feet.

3. Rear Yard. There shall be a rear yard having a depth of not less than ~~twenty five (25)~~  
**FIFTEEN (15)** feet.

- a. ~~The main building or additions to the main building may extend into the required rear yard subject to the following requirements:~~

~~(1) The main building or additions to the main building shall be set back fifteen (15) feet from the rear property line.~~

~~(2) The main building or addition to the main building shall not occupy more than thirty (30) percent of the area between the rear setback line and the rear property line.~~

4. Other requirements and exceptions as specified in article VII.

F. *Distance between buildings.*

1. There shall not be less than ten (10) feet between an accessory building and the main building.
2. The minimum distance between main buildings on adjacent lots shall not be less than ~~fourteen (14)~~ **TEN (10)** feet.

G. *Buildings, walls, fences and landscaping.* Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required side or rear yard. Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard, except as provided in article VII. The height of the wall or fence is measured from the inside of the enclosure. *Exception:* Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard facing the side street need only conform to the side yard requirements.

H. *Access.* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(Ord. No. 2509, § 1, 6-1-93)

#### **Sec. 5.405. Off-street parking.**

The provisions of article IX shall apply.

#### **Sec. 5.406. Signs.**

The provisions of article VIII shall apply.

## AMENDED DEVELOPMENT STANDARDS

SUBDIVISION NAME: The Legends at Toscana  
CASE #: 16-ZN-2004  
ZONING R1-10 PRD

	ORDINANCE REQUIREMENTS	AMENDED STANDARDS	
<b>A. MIN. LOT AREA</b>	10,000 Sq Ft	No Change	
<b>B. MIN. LOT WIDTH</b>			
1. Standard Lot	80 ft	65 ft	
2. Flag Lot		Permitted	
<b>C. MAXIMUM BUILDING HEIGHT</b>	30 ft	No Change	
<b>D. MIN. YARD SETBACKS</b>			
1. FRONT YARD <sup>2</sup>			
▪ FRONT (to face of building)	30 ft	20 ft	35' minimum front/rear aggregate
▪ FRONT (to face of garage)	30 ft	20 ft	
▪ FRONT (corner lot, side street)	15 ft	No Change	
▪ FRONT (corner lot, adjacent to key lot, side street)	15 ft	No Change	
▪ FRONT (double frontage)	30ft	One side	
2. SIDE YARD			
▪ Minimum	7ft	No Change	
▪ Minimum aggregate	14 ft	10 ft	
3. REAR YARD			
▪ Standard Depth	25 ft	15 ft.	35' minimum front/rear aggregate
▪ Min. Depth (% of difference which can be occupied)	30%	No Change	
<b>E. DISTANCE BETWEEN BUILDINGS (MIN)<sup>3</sup></b>			
1. Accessory & Main	10 ft	No Change	
2. Main Buildings/Adjacent Lots	14 ft	10 ft	
<b>F. MAXIMUM WALL HEIGHT</b>			
1. FRONT	3 ft or 6ft up to 40%	No Change	
2. SIDE	8ft	No Change	
3. REAR	8ft	No Change	
4. Corner side not next to key lot	8ft on PL	No Change	
<b>G. NOTES &amp; EXCEPTIONS</b>			
1. Varies according to the orientation of garage to the street.			
2. Front patio cover(s) are allowed in the front yard if: the area that the patio cover encompasses is not more than 20% of the front yard; the patio cover is setback a minimum of 10' from PL.; the patio is constructed so that a min. of 50% of the roof is open.			
3. Distances between buildings to accessory buildings must meet building and fire codes.			

**TRAFFIC IMPACT ANALYSIS SUMMARY**  
**325-PA-2002/21-ZN-2002/16-ZN-2004**  
**Legends at Toscana**  
**SEC 94<sup>th</sup> Street and Sweetwater Avenue**

**Existing Conditions:**

94<sup>th</sup> Street is identified as a Citywide System Street on the Mobility Element of the city's General Plan and is designed as a minor arterial cross section. The street has two lanes in each direction with a landscaped median. The posted speed limit on 94<sup>th</sup> Street in the vicinity of Sweetwater Avenue is 40-MPH. The average daily traffic volume on 94<sup>th</sup> Street as measured in August 2002 is 12,116 vehicles per day. A minor arterial cross section is designed to carry up to 35,000 vehicles per day. Ninety-fourth Street is a continuous route from Mountain View Road to Bell Road, although it changes alignments and becomes 92<sup>nd</sup> Street and Thompson Peak Parkway over the 4.5-mile distance.

Sweetwater Avenue is identified as a Neighborhood System Street on the Mobility Element of the city's General Plan and is designed as a major collector cross section, which designed to carry up to 30,000 vehicles per day. Sweetwater Avenue has two lanes in each direction with a center two-way left turn lane. The posted speed limit on Sweetwater Avenue is 30-MPH. The average daily traffic volume on Sweetwater Avenue as measured in August 2002 is 2,643 vehicles per day. Sweetwater Avenue is approximately 2-miles long running from 89<sup>th</sup> Street to Frank Lloyd Wright Boulevard.

The intersection of 94<sup>th</sup> Street and Sweetwater Avenue is controlled by a traffic signal. The nearby intersection of 96<sup>th</sup> Street and Sweetwater Avenue is four-way stop controlled.

Accident data was reviewed for 2000, 2001 and through the end of November 2002. During this time period, there have been three collisions at the intersection of 94<sup>th</sup> Street and Sweetwater Avenue and two at the intersection of 96<sup>th</sup> Street and Sweetwater Avenue. There were no significant trends among the accident data. During the same time period, there have not been any segment accidents along Sweetwater Avenue between 94<sup>th</sup> Street and 96<sup>th</sup> Street or on 94<sup>th</sup> Street between Larkspur Drive and Sweetwater Avenue.

**Proposed Development:**

The project site is located on the southeast corner of the intersection of 94<sup>th</sup> Street and Sweetwater Avenue. It is currently zoned R1-35 and is developed as a horse boarding facility with a single-family home, two large barns, two accessory buildings, and corrals. The applicant is requesting to rezone the site to R1-7 to develop 26 single-family homes.

The Trip Generation Comparison Table below compares the trips that would be generated if the project site were to be developed under its existing zoning to what is being proposed in this case. Under the existing R1-35 zoning, it is assumed that the 8.55-acre parcel could be developed into nine 35,000 square foot lots.

**TRIP GENERATION COMPARISON TABLE**

Land Use	Daily Total	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
<b>Existing Zoning R1-35</b> Single-Family Subdivision 9 dwelling units	86	2	5	7	6	3	9
<b>Proposed Zoning R1-7</b> Single-Family Subdivision 26 dwelling units	249	5	15	20	16	10	26
<b>Total New Trips</b>	<b>163</b>	<b>3</b>	<b>10</b>	<b>13</b>	<b>10</b>	<b>7</b>	<b>17</b>

A traffic impact study has been prepared for this project by AMEC Infrastructure Inc. under the City of Scottsdale's Traffic Impact and Mitigation Analysis (TIMA) program. The traffic impact study compares the trip generation characteristics of the proposed project to what could be developed under existing zoning.

This table demonstrates that the trips generated by the proposed project will increase by 163 per day over what could be developed under the existing zoning. Development under the proposed zoning would also result in an increase in 13 trips during the morning peak hour and 17 trips during the evening peak hour.

**Future Conditions:**

The submitted traffic study analyzes the traffic conditions for the horizon year of 2005. Intersection capacity calculations were performed at the intersections of 94<sup>th</sup> Street/Sweetwater Avenue, 96<sup>th</sup> Street/Sweetwater Avenue, and the site driveway on 94<sup>th</sup> Street. Capacity calculations were performed for two scenarios: one scenario assumes that the project site is built out under the existing R1-35 zoning, and one scenario assumes that the project site is built out under the proposed R1-7 zoning. The Level of Service (LOS) Comparison Table below demonstrates that changing the zoning from R1-35 to R1-7 does not change the LOS at any of the three intersections for the morning or the evening peak hour. Further, the LOS table shows that the intersections of 96<sup>th</sup> Street/Sweetwater Avenue will operate at LOS A during the morning and evening peak hours. The intersection of 94<sup>th</sup> Street/Sweetwater Avenue will operate at LOS B during the morning and evening peak hours. The westbound right and left turn movements out of any proposed site driveway on 94<sup>th</sup> Street will operate at LOS B during the morning and evening peak hours. The southbound left turn movement into the site driveway on 94<sup>th</sup> Street will operate at LOS A during the morning and evening peak hours. The method of reporting the LOS for an unsignalized intersection is to report the LOS for the movement that has the poorest LOS; therefore, the LOS for the driveway on 94<sup>th</sup> Street is reported as LOS B because the left turn and right turn movements out of the driveway operate at LOS B, the poorest LOS at the driveway.

**Level of Service Comparison Table**

	94 <sup>th</sup> & Sweetwater		96 <sup>th</sup> & Sweetwater		Driveway & 94 <sup>th</sup>	
	R1-7	R1-35	R1-7	R1-35	R1-7	R1-35
<b>AM Peak Hour</b>	B	B	A	A	B	B
<b>PM Peak Hour</b>	B	B	A	A	B	B

**Additional Information:**

One option is to access to the project site from 94<sup>th</sup> Street near the south property line for the site. There is an existing median break and a left turn lane for the existing driveway. The intersection of the site driveway and 94<sup>th</sup> Street is and will remain a t-intersection because there is not a driveway or street on the west side of 94<sup>th</sup> Street at the median break. There is not an existing right turn deceleration lane at the site driveway. A right-turn lane will not be required at the driveway for the proposed subdivision because there will be fewer than 30 vehicles making a right turn at the driveway during any one hour period.

**Summary:**

Developing the property on the southeast corner of 94<sup>th</sup> Street and Sweetwater Avenue under R1-7 zoning will result in 163 more trips per day than developing the property under the existing R1-35 zoning. This increase in trips is not enough to affect the Level of Service (LOS) at the signalized intersection of 94<sup>th</sup> Street and Sweetwater Avenue, the stop controlled intersection of 96<sup>th</sup> Street and Sweetwater Avenue, or the site driveway on 94<sup>th</sup> Street. Since 94<sup>th</sup> Street and Sweetwater Avenue are operating at traffic volumes well below capacity, the levels of service for the intersections in the horizon year 2005 including the proposed site traffic are LOS A and B. Access to this subdivision from Sweetwater Avenue aligning with the existing street to the north is preferred, but there is an existing median break and left turn lane on 94<sup>th</sup> Street it that becomes the proposed site driveway. A right-turn lane will not be required at any driveway for the proposed subdivision due to the low volume of right turns expected for the site.



# **The Legends at Toscana**

## **16-ZN-2004**

### **Attachment #9. Citizen Involvement**

The above attachment is on file at the City of  
Scottsdale Current Planning office,  
7447 E Indian School Road, Suite 105.



City of Scottsdale  
Current Planning Services

**SCHOOL DISTRICT**  
Determination of Adequate Facilities

City of Scottsdale Project Number: 247 - PA - 2004

*Area in gray to be completed by Applicant*

Project Name: Legends at Toscana

Project Location: 94th Street & Sweetwater

Applicant Name: Lifestyles Custom Builders

Phone: 602-218-6732

Applicant E-mail: lbrandon@lifestylesbuilders.com

Fax: 602-218-7882

School District: Scottsdale Unified

I, Williams M. Johnson, hereby certify that the following determination has been made in regards to the above referenced project:

- ☒ The school district has adequate school facilities to accommodate the projected number of additional students generated by the proposed rezoning within the school district's attendance area; or
- ☐ The school district will have adequate school facilities via a planned capital improvement to be constructed within one (1) year of the date of notification of the district and located within the school district's attendance area; or
- ☐ The school district has determined an existing or proposed charter school as contracted by the district can provide adequate school facilities for the projected increase in students; or
- ☐ The applicant and the school district have entered into an agreement to provide, or help to provide, adequate school facilities within the school district's attendance area in a timely manner (a copy of said agreement is attached hereto); or
- ☐ The school district does not have adequate school facilities to accommodate projected growth attributable to the rezoning.

Attached are the following documents supporting the above certification:

- ☐ Maps of attendance areas for elementary, middle and high schools for this location
- ☐ Calculations of the number of students that would be generated by the additional homes.
- ☐ School capacity and attendance trends for the past three years.

Or

I, \_\_\_\_\_, hereby request a thirty (30) day extension of the original discussion and response time.

Williams M. Johnson  
Superintendent or Designee

6.23.04  
Date

**Planning and Development Services**

7447 E Indian School Road, Suite 105  
Scottsdale, AZ 85251  
Phone: 480-312-7000 • Fax: 480-312-7088



June 04, 2004

Scottsdale Unified School District 48  
Dr. Barbara Erwin, Superintendent  
3811 N. 44<sup>th</sup> St Phoenix AZ. 85018

RE: Proposed Development 94<sup>th</sup> St and Sweetwater

Dear Madam

This letter is being sent to you pursuant to City of Scottsdale Zoning Code (Ordinance No455) Article 1., Administrative and Procedures, Section 2.1500, Collaborative City and School Planning.

Please be advised that we are Applying for a rezoning application that changes the zoning classification from R1-35 residential to R1-7 residential. This property is currently zoned for 24 residential units: our application will result in a total 31 residential units, an increase of 20%.

Enclosed please find a detailed project narrative, a location map, site plan, and the determination form required by the City per the above Ordinance

I can be reached at   Office 602-218-6732  
                                  Cell 602-510-7121  
                                  Fax 602-298-7882  
E-Mail [lbrandon@lifestylesbuilders.com](mailto:lbrandon@lifestylesbuilders.com)

Sincerely

A handwritten signature in black ink, appearing to read "Larry Brandon", is written over a horizontal line.

Larry Brandon

Cc: City of Scottsdale Current Planning Services

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

**MR. MEYERS** stated loose dogs are an ordinance violation and would be enforced by the Police Department. He further stated once they are in the new facility there will be more opportunity to maintain the facility. He reported there is a security service that locks up at 10:00 PM. He reviewed the access for the site.

**VICE CHAIRMAN LOTZAR** inquired when the renovations to the existing park facility would come on line. Mr. Meyers replied they should be completed by the fall of 2005.

**COMMISSIONER HEITEL** stated regarding the issue of the dogs being off leash in the ballfield he felt the city should take a more proactive approach rather than telling them to call the police. He further stated they might need to educate the dog owners regarding this issue.

**COMMISSIONER HENRY** inquired if the off leash area is currently fenced and they enter through a gate. Mr. Meyers replied it is fenced and they enter through a double gated area. Commissioner Henry inquired if there was any signage currently at the site. Mr. Meyers replied in the affirmative. Commissioner Henry stated she would agree the city should be proactive and provide better signage and provide education for the dog owners. She further stated calling the police every time there is a loose dog will not work. This issue needs to be looked at.

**COMMISSIONER NELSEN** stated he hopes this moves forward to the City Council with the greatest possible speed. He further stated he felt this is a very workable plan. He noted he felt once everything is in place it should be easier to monitor

**COMMISSIONER NELSEN MOVED TO FORWARD CASE 2-MP-2002#2 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER OSTERMAN.**

**THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).**

**VICE CHAIRMAN LOTZAR** stated he thought that the issues regarding and signage and rules for the off leash area are things that have been talked about and are in process. He further stated he would appreciate if they could put signs around the ballfields indicating you should not have your dog at the ballfields would be nice.

Vice Chair Lotzar stated Dick Tooker recently passed away and he served as a Board of Director on the McCormick Ranch Little and he was recognized for doing a lot for youth sports. He further stated as they revisit these fields he thought it would be nice to have a memorial acknowledging his past service because he did a lot for the city in a quiet way.

21-ZN-2002 (The Legends at Toscana) request by Legend Development, applicant, Collin Thorstenson, owner, to rezone from Single Family Residential (R1-35) to Single Family Residential, Planned Residential District (R1-7, PRD) including amended development standards on a 10 +/- acre parcel located at 12855 N 94th Street.

**MR. CURTIS** presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

**COMMISSIONER NELSEN** commented on the suburban use as opposed to rural use, which would go along with equestrian use. He further commented there is not that distinction that suburban use is inappropriate for equestrian use.

**COMMISSIONER HENRY** inquired if the current owner of the Buffalo Ranch is selling that property because there are sales pending so he is getting out of the ranch business. Mr. Curtis replied that is his understanding. He stated he is not sure if he is getting out of the business but it would not be at this location.

**COMMISSIONER STEINBERG** inquired what are some of the options they are exploring for acquiring the northern portion of the site. Mr. Curtis reported the Engineering Department and Capital Improvements Department are dealing with the drainage issues and looking at different ways to solve this. Commissioner Steinberg inquired how long that process has been going on and when they expect to conclude. Dave Meinhart replied they are trying to wrap up a final recommendation on the solution for the storm water retention basin in the next few months. Commissioner Steinberg inquired if staff felt Phase 2 would be detrimental to solving the drainage problem. Mr. Meinhart stated staff felt Phase 2 would support the flood control project. Mr. Grant stated the regional storm water drainage solution could occur with Phase 2.

**COMMISSIONER HEITEL** stated they are being requested to approve a plat to increase the density on a phase of the property that the city may come back after they have increased the density on and have to repurchase it with higher density at an increased value from the applicant. Ms. Boomsma replied if they have to condemn the property it would be at the value that the Court determines whether or not it is rezoned it will be based on the highest and best use. She stated if the question he is leading toward is if they are increasing the cost to the city that is not a good consideration to make because that is not what the court will look at when making a decision. She further stated she would strongly recommend that the commission members reasons for approving or disapproving this particular case not be based on the city's desire to purchase it in the future because that will defeat the purpose.

**COMMISSIONER NELSEN** inquired how many properties could be developed under the existing zoning. Mr. Curtis stated nine lots could be developed with the existing zoning. Commissioner Nelsen inquired even with the drainage. Mr. Curtis replied that would have to be taken into consideration with the nine lots the drainage easements could be on certain lots in the front and rear yards.

**CHAIRMAN GULINO** stated they run the risk of a conflict of interest when they start considering the fact that the city wants to acquire the land as drainage. The Commission needs to focus their consideration strictly on the land use and merits of the site plan. He further stated he would encourage staff to finish their report and make a decision so they can acquire the land before it continues to rise in value.

**ANDY ABRAHAM**, 702 E. Osborn, Phoenix, AZ, applicant, presented an overview on the land use for this project. He stated what they are proposing is consistent with the

General Plan and it is consistent with the Cactus Corridor. He discussed the amended development standards. He reported in exchange for amended development standards they are offering significant amenities on the site plan. He further reported there would not be a negative impact on the existing traffic levels.

Mr. Abraham stated regarding the drainage issue they have been working closely with staff to figure out a way to allow his client to go forward yet preserve the opportunity for the city to do what it deems necessary to solve this issue. He remarked he felt they were on the same page working together.

**COMMISSIONER HEITEL** stated from a land use standpoint they might not need to come to them for amended development standards if they were not cramming this project so tightly. Mr. Abraham stated they did not feel like they were cramming this site because they are consistent or less dense than the surrounding neighborhoods.

**COMMISSIONER NELSEN** stated the applicant has unanimous support from the contiguous community. He inquired what were the specific reasons for support. Mr. Abraham stated there has been a history of concern about the current use and the neighbors have been frustrated with the current use. The neighbors were very encouraged about a development that is consistent with the residential. He further stated equestrian is no longer consistent with the balance of the neighborhood. Commissioner Nelsen stated he appreciates that, however, it is that kind of thinking that has eroded the equestrian lifestyle in the entire Cactus Corridor. He further stated it is one thing to build to the existing zoning. It is another thing to ask for four times the existing zoning. He remarked the justification for the amended development standards is to provide major community benefits. He inquired which community are they speaking of. This subdivision or the community at large. Larry Brandon stated their intention is to create an atmosphere within their community with architecture, open space, and park that will be self-contained within their community.

Commissioner Nelsen stated he is an advocate of the equestrian community. They have a General Plan that says this area is not appropriate for equestrian use and he will honor that but he does not agree with it. He reported they have had a record year for drought so how can they consider four times as many residents than what is currently zoned. He further reported they are having difficulty meeting the needs of the existing residents with regard to infrastructure. Granted this is a very small project but it is just a continuance of a process that has got us where we are today. He noted he felt the drainage issues needed to be answered. He further noted he would need a lot more information to support this.

**CHAIRMAN GULINO** stated with regard to the amended development standards, he inquired if the applicant would be comfortable with a 30-foot aggregate and essentially take a 15 foot front yard setback and a 15 foot rear setback. He requested the applicant think about that during public testimony.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

**JACQUELINE REICHMAN**, 12926 N. 95<sup>th</sup> Way, spoke in support of this project. She stated she is President of the Homeowners Association for Sweetwater Ranch Manner

II. She further stated the 61 homes in this community support this project. She remarked she has letters of support from residents in her community that was not able to attend. She read a letter from the President of the Master Association stating they are in agreement with the plans and support the zoning. She also read an e-mail from the President of Manner One Association who also supports this project. She reported they will all benefit from having luxury homes on this site.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

**MR. ABRAHAM** stated with regard to the request to have a 30-foot aggregate for the front and rear yard setbacks that would request 35-foot aggregate to allow for some flexibility.

**COMMISSIONER NELSEN** commented the Commission has received a letter from Susan Wheeler and she makes some very bold statements about the usefulness of the trail. He also commented the letter states she attended a meeting with the developer who told the group that there was a horse buyer to buy the property as a threat to the neighbors. Mr. Brandon stated that is not a correct statement.

Commissioner Nelsen stated the letter indicates the size of the property is gross 10 acres. He further stated he believes it is less than 7 acres with the roads taken out and the wash. Mr. Brandon replied it is a gross 10-acre site. Commissioner Nelsen stated closer to 8.5 that is actually buildable. Mr. Brandon replied in the affirmative. Commissioner Nelsen stated he has concerns regarding what happens here sets a precedence for the next ranch that goes up for sale and how development occurs in the City of Scottsdale. He further stated Ms. Wheeler is very concerned about the trails in the Cactus Corridor. Mr. Meyers provided clarity on the future trails in this area. He stated they are working with the Transportation Department to work on a trail into the cross section with good buffering. Commissioner Nelsen stated he is concerned about the separation between the automobile traffic and the actual surface of the trail. He commented there are a lot of unanswered questions and they are being asked to approve this before they are answered. Mr. Meinhardt provided information regarding the potential buffers along Sweetwater and Cactus.

Commissioner Nelsen expressed his concern that they are going from a relatively low use on this property to quadrupling the existing density and how it will impact the traffic and the equestrian use in the neighborhoods around there. He stated he does not think people realize what kind of an impact this type of communities have on the existing equestrian community. He also expressed his concern regarding combining the equestrian use, which is traditional part of Scottsdale's heritage, with increased traffic. He remarked it has already been done in this area but his issue is that they are continuing to promote that. He discussed his concern regarding not having the appropriate infrastructure to support those areas that still have equestrian because they are eroding that lifestyle. He concluded he does not have all of the answers because it seems to hinge on the drainage issue as to how this subdivision will finally be platted.

**COMMISSIONER HENRY** stated she has a short little speech. This is called reality. If you read the newspaper in just the last couple of days it states farmlands in this area are being driven out because we are growing. There are thousands of people moving into

the Valley every year and we are building houses to house those people. What is happening is that the equestrian farms, the ranches, the farm land, and the orchards are being pushed out because the City is engulfing them so people are having to relocate. She further stated she is very sympathetic to the situation but it is what is happening in the whole country.

Commissioner Henry stated she drove out to this area because she was concerned because currently they have a ranch and now they are going to have houses. She further stated when she drove into this neighborhood the development that is being proposed fits in with what else is there. The ranch looks like it does not belong.

**VICE CHAIRMAN LOTZAR** stated from his vantagepoint he would agree with Commissioner Henry. He further stated he felt they should not hamstring the applicant because of the wash issue, which is more of a regional issue than this property. He further stated he felt the solution that has been fashioned is a good one. He added he appreciated the opportunity to serve the needs of the applicant and the surrounding community. He concluded he would be voting in favor of this request.

**COMMISSIONER HEITEL** stated he would not support this case. He further stated he does not think it is an issue of future drainage issues. He remarked he sees a transition in zoning toward the south to larger R1-18, R1-10 lots. The adjacent property owners are R1-7. He further remarked he would question the amended development standards especially the amended rear yard setbacks and what impact it will have on the adjacent property owners. He commented he felt the amended development standards just allows more density than a proper site plan would allow. Amendment of these kinds of development standards and certain density issues in a site plan provide meaningful open space or meaningful trails or other meaningful amenities to the community and that makes some sense to him. This kind of site plan does not make sense to him. He concluded he would not be supporting this case.

**COMMISSIONER OSTERMAN** stated he understands the concerns of the equestrian community as far as the shrinking of available equestrian areas. He further stated he can't believe by reserving this area right smack in the middle of such high density building that it would help in anyway to preserve the equestrian lifestyle. He remarked he did not believe that there was any better use for this property than to rezone it and to have the proposed density. It is a beautiful plan. It will add value to the City of Scottsdale and the surrounding properties. He concluded he would support this case.

**COMMISSIONER STEINBERG** stated he would like to echo what Commissioner Henry said. He further stated the proposed plan is more consistent with the land use in this area and will be a good addition to the area. He concluded he would support this project.

**CHAIRMAN GULINO** stated he would like for the maker of the motion to consider adding the stipulation requiring a 35-foot aggregate. What essentially that would do is take a 10 foot front yard leaving the rear setback at the unamended distance and vice versa.



Chairman Gulino stated he would agree that it is unfortunate that the Cactus Corridor has changed in the way that it has given some of the characteristics in the City of Scottsdale. This problem occurred a long time ago. This development is in character with the surrounding neighborhood. He reiterated he would be in favor of modification to the amended setbacks that would add an aggregate between the front and the rear yard of 35 feet.

Chairman Gulino stated with regard to the drainage issue he felt it would be unfair if the Commission, staff, or City Council impede or hamper with the property rights of the Applicant while they decide what to do regarding the drainage issue. He further stated he would encourage staff to take that into consideration on the phasing of this plan. He remarked if the phasing is a result of the discussions regarding the retention he felt that should be removed and the applicant should be able to move forward, as he desires. He further remarked he says that with the City's best interest at heart. He added he felt they are opening themselves up for a lot of liability and it is not playing fair.

**COMMISSIONER NELSEN** stated he has heard a lot of discussion regarding the fact that it is unfortunate this problem occurred in the past but that is no reason to increase the existing zoning. This property should be developed as R1-35. They would not be taking anything away from the property owner. He remarked he has heard a nice lecture from his partner here on his right and it is exactly that kind of thinking from other members on the Commission that has gotten Scottsdale and other communities in the Valley bitching about the same thing. It is bad planning. It should not have started and it has got to stop some place. When they have enough resources such as water, clean air, police, and fire protections then we can start saying bring on some more. He reiterated he would not be supporting this case.

**VICE CHAIRMAN LOTZAR MOVED TO APPROVE CASE 21-ZN-2002 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL WITH AN AMENDMENT TO THE STIPULATION THAT THE AGGREGATE BETWEEN THE FRONT AND REAR YARD IS UP TO 35 FEET. SECOND BY COMMISSIONER STEINBERG.**

**THE MOTION PASSED BY A VOTE OF FIVE (5) TO TWO (2) WITH COMMISSIONER NELSEN AND COMMISSIONER HEITEL DISSENTING.**

3-TA-2000#2 (Wireless Communications Ordinance Text Amendment) request by City of Scottsdale, applicant/owner, to update Ordinance No. 455 (Zoning Ordinance) pertaining to Wireless Communications Facilities.

**MR. STABLEY** presented this case as per the project coordination packet. He stated on December 18, 2002, the Planning Commission approved the draft ordinance except for the outstanding items. The Planning Commission directed staff to provide additional information regarding the outstanding items. He stated they are not asking for a vote tonight they are just requesting the Commission provide them with direction on the outstanding issues and they will incorporate that direction into the ordinance and return on January 28<sup>th</sup> for a vote. Those outstanding items are summarized as follows:

- **Public Notification:** The proposed text amendment requires property owners within 300 feet be notified of all new wireless communications facilities. However, there are

Councilman Ecton expressed his opinion that the overlay sounds fair and has been developed over a long period of time with a significant amount of public input. He felt it would be a positive step in preserving the character of the area.

After further discussion, Council agreed to direct staff to provide a report to Council in 18 months on the impacts of the ordinance on the area.

COUNCILMAN ECTON MOVED TO APPLY FOOTHILLS OVERLAY (FO) ZONING TO THE 10+/- SQUARE MILES KNOWN AS THE DESERT FOOTHILLS AREA, GENERALLY LOCATED BETWEEN 56<sup>TH</sup> AND 96<sup>TH</sup> STREETS, FROM HAPPY VALLEY TO ASHLER HILLS ROADS AND ADOPT ORDINANCE NO. 3498, OPTION A, AFFIRMING THE ABOVE REZONING. CASE 25-ZN-2002. COUNCILMAN SILVERMAN SECONDED THE MOTION WHICH CARRIED 7/0.

## **12. Legends of Toscana Rezoning**

### **Request:**

1. Rezone from Single Family Residential District (R1-35) to Single Family Residential, Planned Residential District (R1-7, PRD) including amended development standards on a 10 +/- acre parcel located at 12855 N 94th Street.
2. Adopt Ordinance No. 3500 affirming the above rezoning and amended development standards.
3. Adopt Resolution No. 6270 to authorize the Mayor to execute the development agreement No. 2003-044-COS.

**Location:** 12855 N 94th Street

**Reference:** 21-ZN-2002

**Staff Contact(s):** Tim Curtis, Project Coordination Manager, 480-312-4210, [tcurtis@ScottsdaleAZ.gov](mailto:tcurtis@ScottsdaleAZ.gov)

Kurt Jones introduced case 21-ZN-2002 as a request to rezone property located at the southeast corner of Sweetwater and 94<sup>th</sup> Street. The site is surrounded by existing single-family residential homes, is an existing ranch use, and is comprised of approximately 10 acres. Currently, the access to the site is off of 94<sup>th</sup> Street at the southwest corner. He noted that the site is within the Cactus Corridor Area Study that was approved in 1992. Both the existing use and requested rezoning fall within the suburban designation as indicated by the study.

The proposed site plan is to utilize the existing access off of 94<sup>th</sup> Street. The applicant intends to phase the subdivision due to the proposed stipulation and amended development agreement. The city has been working with the applicant to finalize a regional drainage solution on the site. The stipulation would require the dedication of an easement on the northeast corner of the lot and a portion of one of the lots.

Mr. Jones presented a brief slide presentation, which has been outlined below.

### ***Project Impacts***

- Traffic/ Existing streets
- Drainage considerations
- Existing water and sewer lines
- No Police/Fire service impacts
- School Impacts: Nominal – High School
- Community Involvement

### ***Planning Commission Recommendation***

Planning Commission recommends approval of the rezoning, subject to the stipulations (4-2)

#### Discussion:

Compatibility with the area  
Drainage – site plan implications

#### **Project Information**

Rezoning from R1-35 to R1-7 PRD  
Amended Standards  
Maximum 30 lots  
Phased project  
Access from 94<sup>th</sup> Street  
Recreational amenity  
15' Landscaping along major streets

Mr. Jones noted that most of the immediate neighborhood supports the proposal; however, there are some concerns that the zoning change would impact the Cactus Corridor.

Andy Abraham, 702 E. Osborne, spoke as a representative of the applicant. He reaffirmed the rezoning request and the location of the site. He stressed that approval of the requested rezoning would allow three houses per acre. He noted that all of the surrounding zoning is equal to or higher in density than what the applicant is requesting. He explained that the request is consistent with the city's General Plan and Cactus Corridor Plan.

Mr. Abraham explained that the development was proposed in phases to allow the city additional time to identify a solution to resolve a regional drainage issue. He stressed that there is no drainage issue created by the project or the site. Through the engineering work that has been completed, it has been determined that the city would receive a dedication (Lot 29, approximately 11,000 sq. ft. and a triangular parcel) through the amended stipulation at no cost to the city.

Mayor Manross opened public comment.

**William Guilfoil**, 11260 N. 92<sup>nd</sup> Street, #1047, stated his support of the rezoning and the sale of the property. He stressed that, although he spent approximately \$3,000 trying to sell the property as horse property, no equestrian people came forward to purchase the property.

**Susan Wheeler**, 9616 E. Kalil Drive, spoke against the rezoning and development of the property. She stressed that approval tonight of the request would make it almost impossible for the rest of the ranches in the Cactus Corridor to remain as ranches. She urged Council to consider their actions carefully.

**Jacqueline Reichman**, 12926 N. 95<sup>th</sup> Way, spoke in support of the proposal on behalf of the Sweetwater Ranch Manor II Homeowner's Association. She felt the proposal makes sense due to its location and the residential homes that surround the property. She explained that the proposed lot size seems appropriate for its location.

**Tony Nelssen**, 7736 E. Redbird Road, reminded Council that they were elected on their slow growth platform. He questioned why the city would allow the density on the property to be increased three fold. He encouraged Council to deny the request.

**Jan Ayres**, 9424 E. Corrine Drive, spoke in support of the proposed rezoning.

**Richard Kirby Everingham**, 12739 N. 95<sup>th</sup> Place, stated his support of the rezoning. He felt that the requested density is better than the zoning on the existing subdivisions in the area.

Mayor Manross closed public testimony. Seven additional comment cards were received from citizens in favor of the rezoning who did not wish to speak.

Mr. Abraham explained that the case is about the appropriate land use for the location given the surrounding area. He stressed that the request is completely consistent with the Cactus Corridor Plan.

In response to questions from Councilwoman Lukas, Larry Brandon of Legend Development, explained that the solution for the wash would be attractive.

Councilman Littlefield, Ecton, Silverman, and Vice Mayor O'Hearn agreed that the issue with the case is one of density. They stated their reluctance to approve the level of density requested.

Councilman Littlefield added that the Council is either serious about protecting horse property or it isn't.

In response to questions from Councilman Ortega, Mr. Ekblaw explained that the ordinance has a limitation for resubmitting a similar plan, although the Planning Commission can be petitioned by an applicant to reconsider a similar plan.

Councilman Ortega, Councilwoman Lukas, and Mayor Manross all pointed out that the General Plan was approved by the voters and indicated that the parcel could have between 5-7 units per acre. The proposed plan is consistent with the Cactus Corridor Study and the character of the area. They pointed out that there is also overwhelming neighborhood support for the proposal.

VICE MAYOR O'HEARN MOVED TO DENY REZONING FROM SINGLE FAMILY RESIDENTIAL DISTRICT (R1-35) TO SINGLE FAMILY RESIDENTIAL, PLANNED RESIDENTIAL DISTRICT (R1-7, PRD) INCLUDING AMENDED DEVELOPMENT STANDARDS ON A 10 +/- ACRE PARCEL LOCATED AT 12855 N 94TH STREET. COUNCILMAN ECTON SECONDED THE MOTION WHICH CARRIED 4/3 (M.M., C.L., D.O.).

**Public Comment - None**

**City Manager's Report - None**

**Mayor and Council Items - None**

## **Adjournment**

With no further business to discuss, Mayor Manross adjourned the meeting at 7:55 P.M.

**SUBMITTED BY:**

**REVIEWED BY:**

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**Ann Eyerly, Council Recorder**

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**Carolyn Jagger, Deputy City Clerk**

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

**JOEL BORIE**, 5814 E. Miller Road, spoke in opposition to this request. He stated that he and his wife just moved into this neighborhood because of the rural character. He further stated that going to office does add anything to the neighborhood and in fact would take away. The General Plan states this area was intended to be rural.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

**COMMISSIONER HEITEL** stated that when the Commission saw the zoning case before he was disturbed with the plan that was presented. He further stated that he will be very particular in looking at access issues, impact issues from parking lots and those types of things. He remarked that nobody should infer from his support of the General Plan portion that he would automatically be approving the zoning case.

**COMMISSIONER HEITEL MOVED TO FORWARD CASE 6-GP-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER HESS.**

**THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).**

**CHAIRMAN GULINO** stated that this is my neighborhood and he is familiar with it and felt that particular use if it is done right is appropriate. He further stated that corner does not warrant residential given its proximity to McDonald.

**COMMISSIONER STEINKE MOVED TO FORWARD CASES 86-ZN-1984#2 AND 3-GP-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER HESS.**

**THE MOTION PASSED BY A VOTE OF SEVEN (7) TO ZERO (0).**

### **REGULAR AGENDA**

16-ZN-2004 (The Legends At Toscana) request by Lifestyles Custom Builders LLC, applicant, Collin Thorstenson, owner, to rezone from Single Family Residential (R1-35) to Single Family Residential District Planned Residential District (R1-7 PRD) with amended development standards on a 10 +/- acre parcel located at 12855 N 94<sup>th</sup> Street (southwest corner of Sweetwater Road and 94<sup>th</sup> Street).

(COMMISSIONER SCHWARTZ DECLARED A CONFLICT AND DID NOT PARTICIPATE IN THE DISCUSSION OR THE VOTE.)

**MR. JONES** presented this case as per the project coordination packet. Staff recommends denial of the rezoning and amended development standards. A plan with fewer than 30 lots and more open space is more compatible with the existing rural/suburban character of the area.

**COMMISSIONER HEITEL** requested staff elaborate on the recommendations for the Cactus Corridor Study regarding the suggested transition zone. Mr. Jones pointed out the transition areas on the graphic.

**VICE CHAIRMAN STEINBERG** inquired about the rationale for denial of this case since the zoning is the same in the surrounding area as the zoning requested here. Mr. Jones replied the recommendation was based on the eclectic mix of zoning categories that surround this site and staff felt the zoning that is being presented is the same and they felt there should be a mix in the character of residential in the area.

**COMMISSIONER STEINKE** stated that he looked at this in context of the adjacent area and it looks like a good plan and an improvement to the property.

**COMMISSIONER BARNETT** inquired if staff was okay with the amended development standards. Mr. Jones stated they are comfortable with the amended development standards they allow some flexibility in lot design and housing type. It is the density.

Commissioner Barnett stated this proposal only has one entryway one ingress, egress. He inquired if there are any additional problems with the Police, Fire protection that would necessitate having an emergency entrance other than the one main entrance. Mr. Jones replied in the negative.

**LOU JEKEL**, Jekel & Howard, 8283 N. Hayden Road, Suite 100, addressed the density issue. He further stated the Cactus Corridor Study indicates that we want to maintain the rural atmosphere on the east side of 96<sup>th</sup> Street and suburban on the west side of the street. He explained that there is no transition where this property is. This piece of property is no longer suited as a horse property or buffalo ranch. It is land locked. He commented this proposal is 25 percent less dense than the surrounding properties. The request is compatible with the surrounding properties. He urged approval.

**COMMISSIONER HEITEL** inquired if the plan was restricted to be consistent with the size of the residential neighboring properties if the applicant would be willing to accept that as criteria for approval. Mr. Jekel stated that the product has to be salable within current standards. The average size of the homes would be 3,000 square feet. He provided information on the sizes of home in the area. It is their belief that the style of home going in there belongs in the neighborhood. It will be market driven and a project that everyone will be proud of. The bottom

line is that this is not a transition area and the applicant is asking for less than anything that is around it.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY.)

**JOE CASELLA**, 9460 E, Corrine Drive, spoke in favor of this request. He stated he is directly south of the buffalo ranch. This development would fit nicely within the community and is 25 percent less dense than the surrounding properties. This proposal will revitalize the neighborhood with a fresh updated look. The majority of the residents are in favor of this request. This parcel is outdated. He concluded that he strongly supports the rezoning of this parcel

**JACQUELINE REICHMAN**, 12926 n. 95<sup>TH</sup> Way, spoke in favor of this request. She stated she is Vice President of the Homeowners Association for Sweetwater Ranch Manner II. She further stated that she was speaking on behalf of many people in Sweetwater. She reported that her neighborhood is unanimously in favor of this request. She reviewed the reasons the community supports this request.

**JOSHUA WEISS**, 9421 E. Dreyfus Place, spoke in support of this request. He stated that he could see the Buffalo Ranch from his bedroom with that said he fully supports this project. He further stated that the Buffalo Ranch sticks out and does not seem appropriate. He concluded all of the neighbors support this request.

**SUSAN WHEELER**, Cactus Corridor, spoke in opposition to this request. She presented information on why we did the Cactus Corridor Study. She also presented information on the ranches that came in after the Cactus Corridor Study was done. She reported that she does not support the Buffalo Ranch being developed with such high density. She further reported that the neighbors are upset with the ranch and the neighbors would be happy with any development that came in if the ranch were not there. She concluded her issue is the density is too great for this area and should be R1-18.

**DAWN BROKAW**, Cactus Corridor, stated the Cactus Corridor area has traditionally been an equestrian area, long before the high density that is there now. She further stated there have been many complaints from neighbors about this ranch. She discussed newspaper articles regarding people who move into an area such as an equestrian area or airport and then complain. She reported that she spent 14 years of her life working on the Cactus Corridor Study to protect this unique area.

**TONY NELSEN**, 7736 E. Redbird Land, spoke in opposition to this request. He stated he lives in the Desert Foothills area and we have been fighting some of the very same battles as the people in the Cactus Corridor. He further stated

that he would leave this as it is zoned noting that we have increased the density in this city beyond the capacity to handle the population.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY.)

**MR. JEKEL** stated that the last three speakers have brought up a very serious issue in the community but is not an issue that applies to this property. The applicants' are getting caught up in the battle between the horse people and those people who have moved into the area and are not horse property owners who are encroaching upon the horse area. The problem that he has with their position on this property is the horse is already out of the barn this property is already surround by medium density development. This property is land locked. This will be a quality development and the majority of the people support this request.

**COMMISSIONER HEITEL** stated that he agrees with the applicants' attorney that this is not a horse property. He further stated the problem he has is the density issue. One of the problems is ongoing in the city is that we cause neighbors and neighborhoods to go through this excruciating process of the character area study and they spend decades of their lives and then we forget them when an isolated parcels come in. The staff recognizes the Cactus Corridor Study as a viable study and based on that study recommended denial.

**COMMISSIONER HEITEL MOVED TO FORWARD CASE 16-ZN-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR DENIAL. SECOND BY VICE CHAIRMAN STEINBERG.**

**CHAIRMAN GULINO** stated that he felt the case was in line with polices and plans that we have and would support this request.

**VICE CHAIRMAN STEINBERG** stated the reason he supports the motion for denial is not because Mr. Jekel's comments were not full of common sense but because of what he is afraid is going to happen to Larkspur Drive and the area to the south. He further stated the erosion of the equestrian lifestyle is disheartening to him. If we don't make an issue of eliminating ranches just to get as much density and make as much economic gain as possible then we will see the end of the western lifestyle out here. He noted that he was torn because of all of the neighborhood support but felt at this point would be willing to support anything on this site other than tripling the density.

**COMMISSIONER STEINKE** stated in this case the arguments relative to density and equestrian properties are weak enough that he could not support the motion to deny.

**CHAIRMAN GULINO** called for the vote.



**THE MOTION FAILED BY A VOTE OF THREE (3) TO THREE (3) WITH CHAIRMAN GULINO, COMMISSIONER BARNETT, AND COMMISSIONER STEINKE DISSENTING AND COMMISSIONER SCHWARTZ ABSTAINING.**

7-UP-2004 (Sonrise Community Church) request by Earl Curley & Lagarde, PC, applicant, Sonrise Community Church, owner, for a conditional use permit for a private/charter school on a 9 +/- acre parcel located at 29505 N. Scottsdale Road with Single Family Residential, Environmentally Sensitive Lands, Foothills Overlay District (R1-70 ESL FO).

**MR. GRANT** presented this case as per the project coordination packet. Staff recommends although there will be impacts of any new development, staff assessment is that the requested Conditional Use Permit conforms to ordinance requirements and recommends approval, subject to the attached stipulations.

**COMMISSIONER HEITEL** stated with regard to the use permit criteria it seems we would be dumping the responsibility of policing those uses on the neighbors. Mr. Grant replied from a practical standpoint the neighbors are the people who see the activities day in and day out and are the people who are the most affected by the activities on the site. He reported we do attempt to monitor the site to the best of our capabilities.

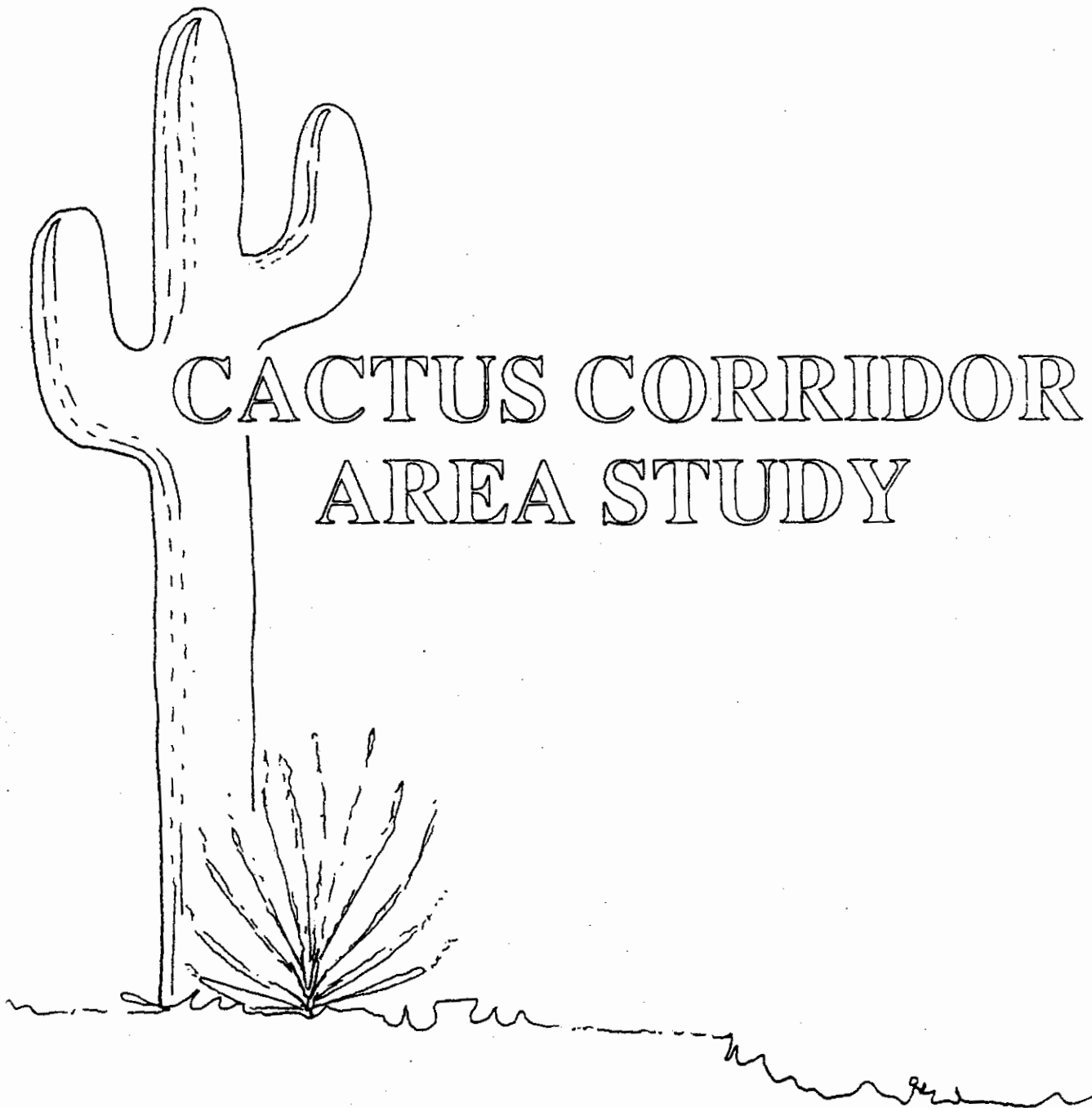
**VICE CHAIRMAN STEINBERG** inquired if the school was envisioned in the original master plan for Sonrise Church. Mr. Grant replied it was not part of the plan presented. Vice Chairman Steinberg stated during that case there was a stipulation for an alignment drive to occur. Mr. Grant replied in the affirmative. The stipulation was for a cross access easement to the north. Recently the property owner to the north has given approval for that to occur.

Vice Chairman Steinberg stated staff indicated there would be large functions. He inquired how that would be defined. Mr. Grant stated it would be a function of the capacity of the building. There is a 395-seat capacity in the gymnasium building

Vice Chairman Steinberg inquired where the 200-student enrollment number came from. Mr. Grant replied the applicant proposed the number.

**COMMISSIONER HESS** inquired if the enrollment is limited to 200, what would be the procedure if the applicant chooses to increase the enrollment. Mr. Grant replied they would have to come for an amendment to the use permit that would go through the same process that the use permit went through.

**COMMISSIONER HEITEL** inquired about the theater building that has 395 seats and how its size compares to other commercial theaters relative in size. Mr. Grant stated a good analogy would be a single basketball court building in a



# CACTUS CORRIDOR AREA STUDY



APPROVED 5/5/92

The Cactus Corridor Study Area encompasses a diverse neighborhood. The heart of the area consists of low density residential lots ranging from 35,000 square feet to 2-1/2 acres, with minimal street improvements, and large front yard setbacks. In addition, the equestrian lifestyle is evident in an informal back yard setting, or as found in a larger ranch operation. The age of the housing is relatively equal in terms of what has been built in the past 10 years, and that which is older. The edges of the Corridor consist of suburban single family housing, with multi-family housing clustered at activity centers.

#### BACKGROUND ISSUES -

- 1) The equestrian experience for the current owners of larger properties has been declining over the years. They feel the adjacent suburban densities preclude a viable use of their property for horse related activities, and would therefore like to transition to development of like character. In addition to the land dynamics of the area, the economic picture for the equestrian business has faltered, thus leaving some ranches facing uncertain futures.
- 2) The development community has expressed interest in building a semi custom type of home on a medium sized lot. A potential match could happen through the re-use of equestrian properties.
- 3) Homeowners within the existing low density areas are concerned about the character created by new development and the trend toward smaller lots, project walls, and internalized site planning.

#### RECOMMENDATIONS








The following amendments to the General Plan are recommended:

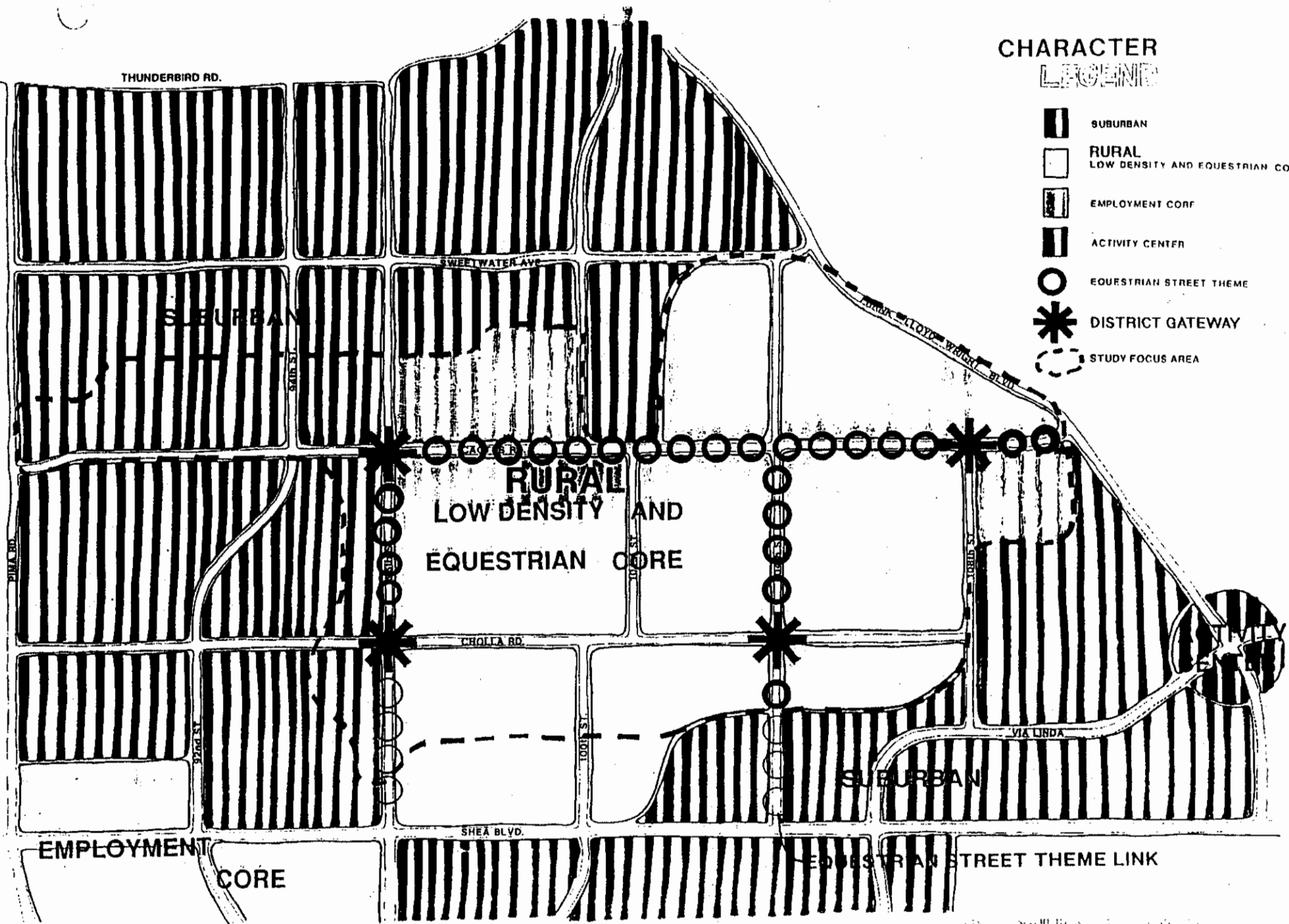
##### CHARACTER

For areas west of 96th Street, the Suburban character is recommended. This change would allow the equestrian properties to redevelop with a semi-custom product while also matching densities established on the north and south of Cactus Road.

For areas east of 96th Street, the existing rural character is recommended to continue. Development in this area should reflect a low density, and where feasible, an equestrian flair. Development should also be compatible with the existing neighborhood. To reinforce this theme, the name "CACTUS ACRES" should be used to describe this unique district of the city. It is also recommended that a special streetscape treatment be designed for Cactus, Rd., 96th St., and 104th St. Potential components of this program would be district gateways and neighborhood entries, a street tree program, an informal path, landscaping, and rural/western fencing.

# CHARACTER LEGEND

-  SUBURBAN
-  RURAL  
LOW DENSITY AND EQUESTRIAN CORE
-  EMPLOYMENT CORE
-  ACTIVITY CENTER
-  EQUESTRIAN STREET THEME
-  DISTRICT GATEWAY
-  STUDY FOCUS AREA



CACTUS CENTER  
STUDY AREA

## LAND USE

The attached map illustrates a recommendation for categories 13 and 14 to be applied to specific areas west of 96th Street. There is no recommended change in land use for areas east of 96th Street; however, flexibility should be allowed to review projects on a case by case basis.

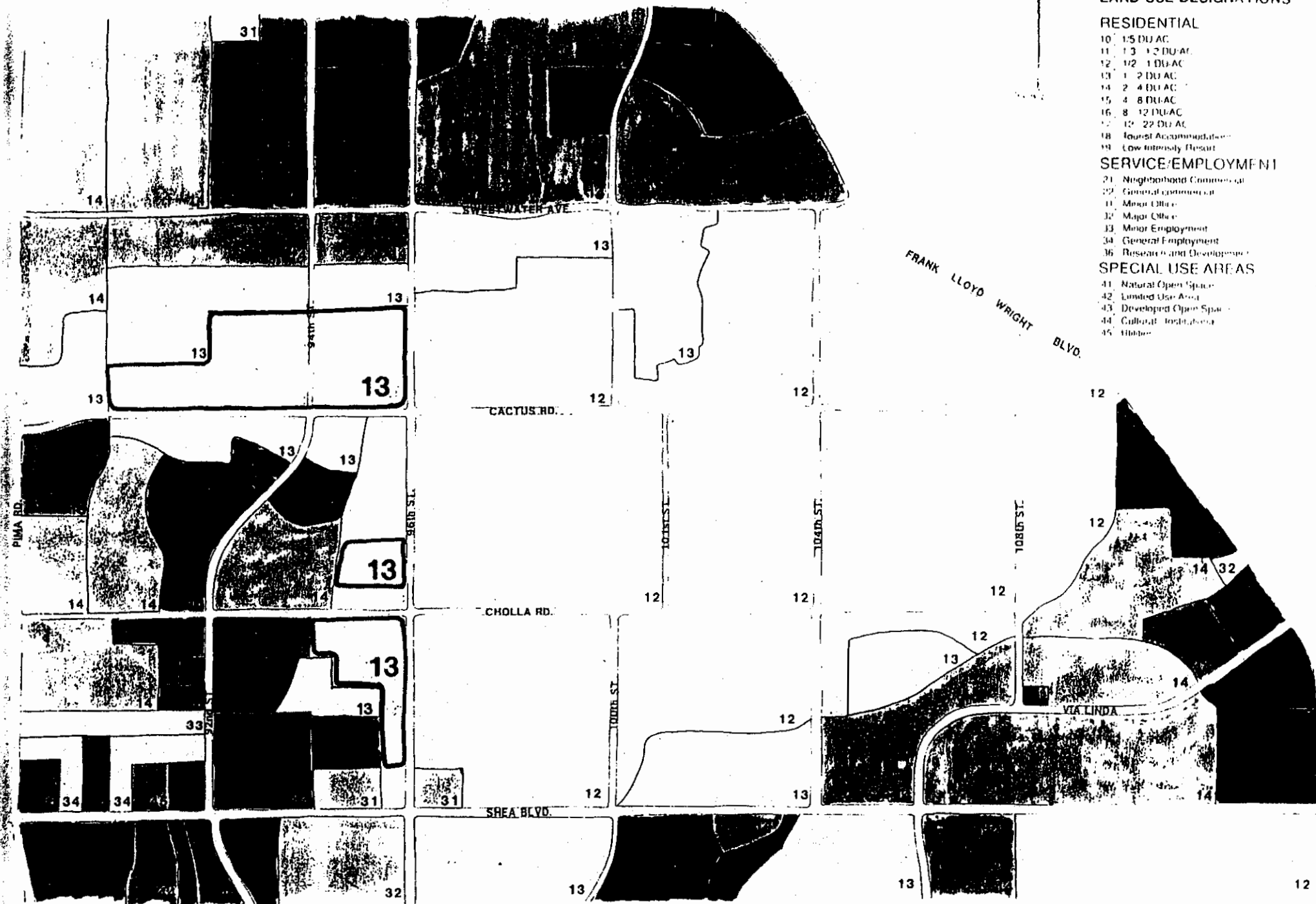
## CIRCULATION

No change in street classification is recommended. However, it is recommended that a neighborhood level trail loop be established. This trail would provide an inner connection between the neighborhood and other planned or existing trails. The creation of this circuit would require participation of the Cactus Acres property owners.

10	1.5 DU AC
11	1.3 1.2 DU AC
12	1.2 1 DU AC
13	1 2 DU AC
14	2 4 DU AC
15	4 8 DU AC
16	8 12 DU AC
17	12 22 DU AC

21 Neighborhood Commerce  
22 General Employment  
23 Major Office  
24 Major Office  
25 Minor Employment  
26 General Employment  
27 Research and Development

41. Natural Open Space
42. Limited Use Area
43. Developed Open Space
44. Cultural Institutions
45. Other

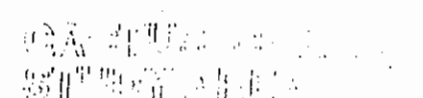


**APPROVED 5/5/92**

# CACTUS CORRIDOR STUDY AREA

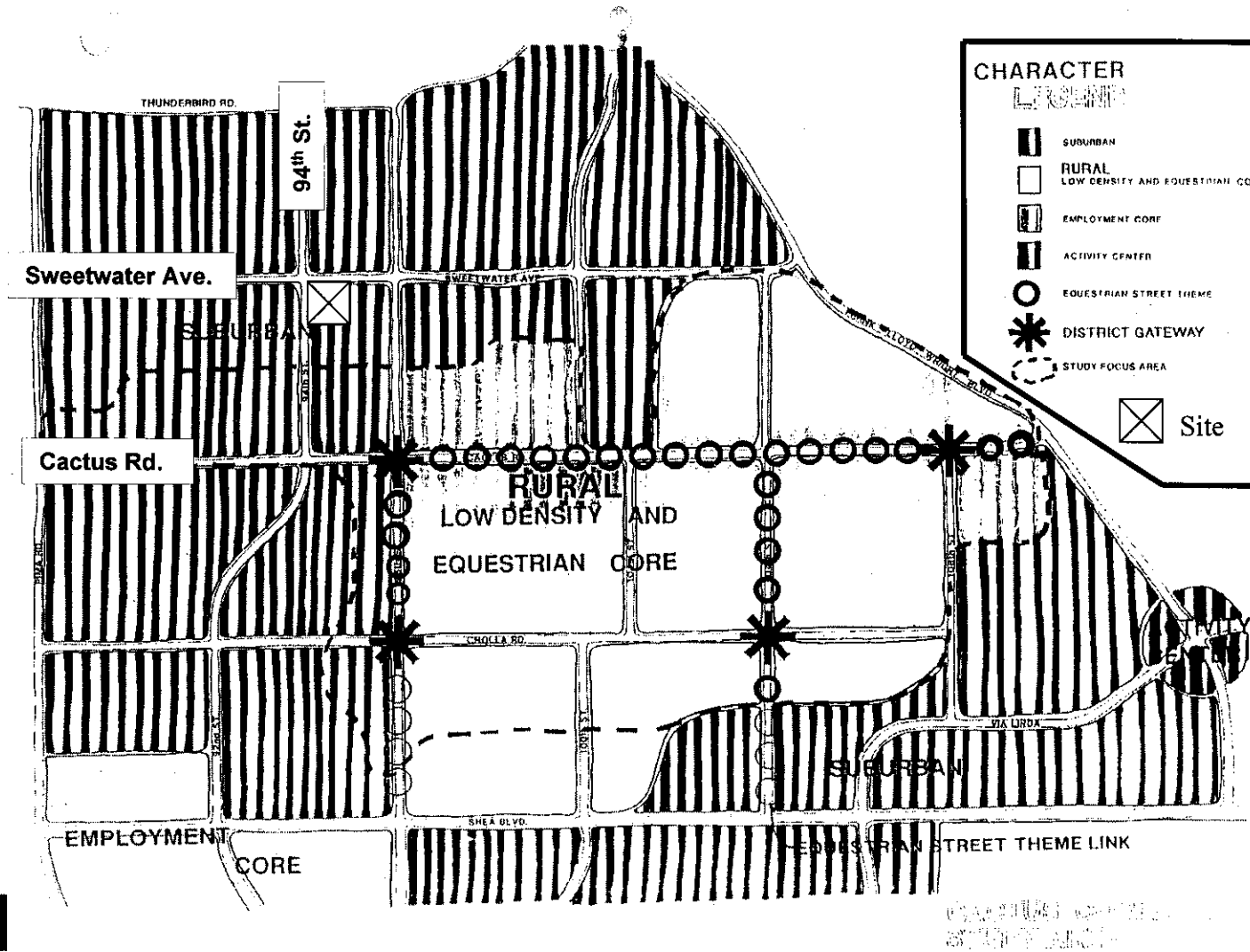
1. *Introduction*

- 
- GRADE SEPARATED  
CROSSING



# Cactus Corridor Area Study

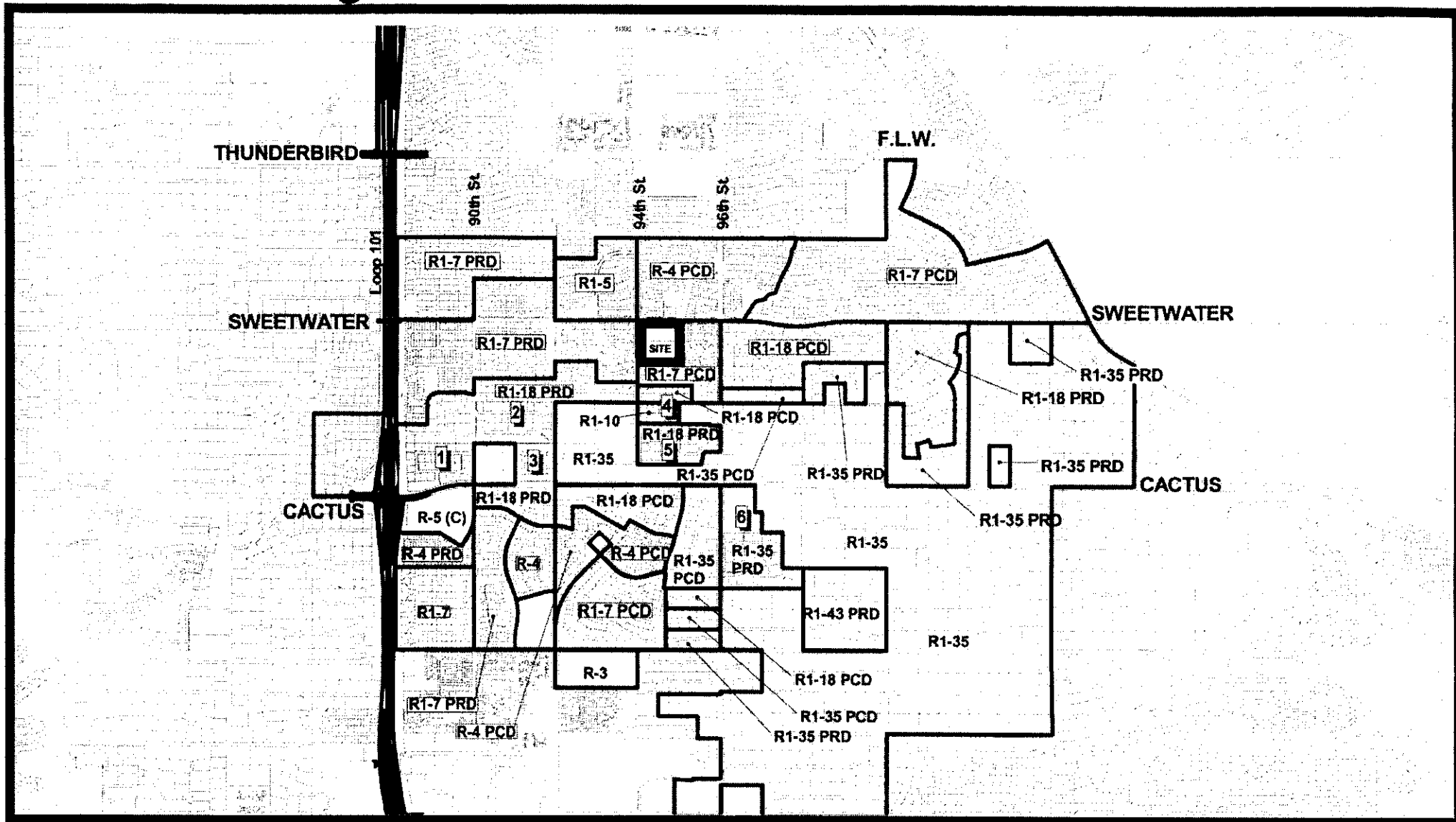
## Suburban Character



16-ZN-2004



# Area Zoning



## Rezoning Case Legend

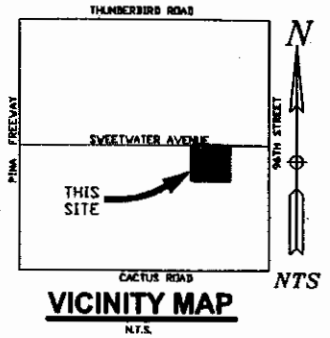
- 1: 30-ZN-2000: R1-35 to R1-18 PRD
- 2: 26-ZN-1991: R1-35 to R1-18 PRD
- 3: 44-ZN-1994: R1-35 to R1-18 PRD
- 4: 25-ZN-1992: R1-35 to R1-10
- 5: 8-ZN-1995: R1-35 to R1-18 PRD
- 6: 2-ZN-1992: R1-35 to R1-35 PRD

ATTACHMENT #15



# THE LEGENDS AT TOSCANA

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 3 NORTH, RANGE 5 EAST, G.&S.R.B.&M.,



## LEGEND

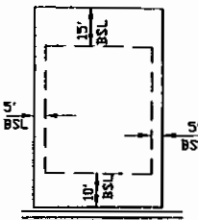
- PROPERTY CORNERS
- SEWER MANHOLE
- WATER VALVE
- BRASS CAP
- FIRE HYDRANT
- WATER SERVICE
- [J] TELECOM JUNCT. BOX
- [C] CABLE TV
- [E] ELECTRICAL PULL BOX

## CONTRACTOR

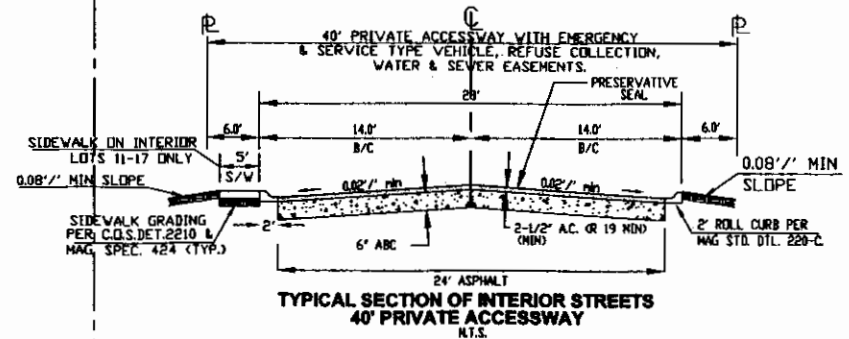
LIFESTYLE CUSTOM BUILDERS, LLC  
14231 N. 7TH STREET, SUITE 8A  
PHOENIX, ARIZONA 85022  
PHONE (602) 298-6547  
FAX (602) 298-7882

## BENCHMARK

BRASS CAP @ THE INTERSECTION OF  
92ND STREET & SWEETWATER AVE.  
ELEV=1428.40 (C.O.S. DATUM)



TYPICAL B.S.L. PLAN  
N.T.S.



TYPICAL SECTION OF INTERIOR STREETS  
40' PRIVATE ACCESSWAY  
N.T.S.

247-PA-2004

**ALLEN CONSULTING ENGINEERS, INC.**  
2550 N. THUNDERBOLT CIRCLE #100  
MESA, ARIZONA 85210  
PHONE (480) 844-1000  
FAX (480) 838-0400  
E-MAIL: aec@allenconsulting.com

THE LEGENDS AT TOSCANA  
SWEETWATER AVE. & 94TH ST.  
PRELIMINARY SITE PLAN

DATE	01-12-05
BY	92550
CHECKED BY	92550
DATE	01-12-05

ATTACHMENT #16

ZONING R1-5

CENTER OF SECTION 18  
FND BRASS CAP

N 90°00'00" E  
1320.68'



SCALE 1" = 40'



EXISTING CURB AND GUTTER

EXISTING SIDEWALK

ZONING R1-7 PRO

## SITE DATA:

10.0231 AC. GROSS  
8.5627 AC. NET

## ZONING:

CURRENT = R1-35  
PROPOSED = R1-10

**NOTE:**  
ALL EXISTING STRUCTURES LOCATED  
WITHIN THE PROPERTY WILL BE  
REMOVED.

EXISTING DRIVEWAY

EXISTING FIRE HYDRANT

ZONING R-4 PCD

SWEETWATER AVE.

SWEETWATER AVE.

TRACT A 15,723 S.F.

EXISTING WOOD FENCE

EXISTING GATE

EXISTING 5' SIDEWALK

EXISTING 5' SIDEWALK

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